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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

(भारतीय मानक ब्यूरो)

नई दिल्ली, 20 दिसम्बर, 2016

**का.आ. 2450.**— भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 6 के उपविनियम (3) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा नीचे अनुसूची में दिए गए उत्पाद की मुहरांकन शुल्क अधिसूचित करता है :

## अनुसूची

भारतीय मानक संख्या	भाग	अनु. भाग	वर्ष	उत्पाद	इकाई	न्यूनतम मुहरांकन शुल्क (रु.)		इकाई दर स्लैब 1 (रु.)	स्लैब में इकाईयां	इकाई दर स्लैब 2 (रु.)	स्लैब 2 में इकाईयां	इकाई दर स्लैब 3 (रु.)	स्लैब 3 में इकाईयां	प्रचालन तिथि
						वृहद स्तर	MSME							
252	-	-	2013	कास्टिक सोडा	एक टन	58000	47000	15.9	सभी	-	-	-	-	20 12 2016

868	-	-	1990	सीलिंग मॉम	100 कि. ग्रा.	58000	47000	20.2	सभी	-	-	-	-	20 12 2016
1551	-	-	1991	टाइपराइटर्स के लिए कार्बन कागज	100 का एक संदूक	51000	41000	0.36	सभी	-	-	-	-	20 12 2016
1746	-	-	1992	जूता पालिश, पेस्ट	1 कि. ग्रा.	76000	61000	0.26	सभी	-	-	-	-	20 12 2016
13213	-	-	1991	पॉलियूरिथेन, पूर्ण चमक वाला इन्वैमल (दो पैक)	100 लिटर	80000	64000	48	सभी	-	-	-	-	20 12 2016
15573	-	-	2005	पॉलीएथिलेनमिनियम क्लोराइड	1 मी. टन	57000	46000	10	सभी	-	-	-	-	20 12 2016
261	-	-	1982	कॉपर सल्फेट	1 टन	53000	43000	35.35	सभी	-	-	-	-	20 12 2016
1221	-	-	1991	फाऊन्टेन पेन की स्याही - रंग आधारित	1 लिटर	59000	48000	0.17	सभी	-	-	-	-	20 12 2016
11087	-	-	1986	अक्षर पहचान चुम्बकीय स्याही वाले चैकके मुद्रण के कागज	1 टन	59000	48000	43.2	सभी	-	-	-	-	20 12 2016
341	-	-	1973	काला जापान टाइप ए, बी और सी	1 लिटर/ 1 कि. ग्रा.	90000	72000	0.26	सभी	-	-	-	-	20 12 2016
1061	-	-	1997	फिनोलिक टाईप रोगाणुनाशी प्रवाह	1 किलो लिटर	72000	58000	43.2	सभी	-	-	-	-	20 12 2016
1065	-	-	1989	ब्लीचिंग पाउडर, स्टेबल	एक टन	50000	40000	8.6	सभी	-	-	-	-	20 12 2016
10758	-	-	1983	डि-ओडोराइजिंग व कीटाणुनाशक द्रव	100 लिटर	62000	50000	8.6	सभी	-	-	-	-	20 12 2016
427	-	-	2013	अपक्षित रंग के शुष्क डिसटम्पर	1 लिटर/ 1 कि. ग्रा.	68000	55000	0.26	सभी	-	-	-	-	20 12 2016
6956	-	-	2001	आवरण कागज	1 टन	63000	51000	55	सभी	-	-	-	-	20 12 2016
2653	-	-	2004	डिब्बी बंद निरापद दियासलाई	10000 संदूक	48000	39000	8	सभी	-	-	-	-	20 12 2016
2730	-	-	1977	मैग्नीशियम सल्फेट (Epsom नमक)	1 टन	50000	40000	25	सभी	-	-	-	-	20 12 2016
12766	-	-	1997	कागज, कम्प्यूटर	1000 शीट्स	68000	55000	0.9	सभी	-	-	-	-	20 12 2016
158	-	-	2015	तेजाब, क्षार और ताप प्रतिरोधी, काला बिटमिनस, बुथ से प्रयोग हेतु तैयार मिश्रित रंग रोगन	1 लिटर/ 1 कि. ग्रा.	60000	48000	0.26	सभी	-	-	-	-	20 12 2016
164	-	-	2015	सड़क चिह्नान के लिए मिश्रित रंग	1 लिटर/ 1 कि. ग्रा.	64000	52000	0.26	सभी	-	-	-	-	20 12 2016
285	-	-	1992	कपड़े धोने का साबुन	1 टन	59000	48000	50	सभी	-	-	-	-	20 12 2016
428	-	-	2013	धोने योग्य डिस्टम्पर	1 लिटर/ 1 कि. ग्रा.	68000	55000	0.26	सभी	-	-	-	-	20 12 2016
15489	-	-	2013	रंग रोगन, प्लास्टिक इमल्शन	100 लिटर	105000	84000	21	सभी	-	-	-	-	20 12 2016

133	1	-	2013	इनैमल, भीतरी: (क) अधलेपन (ख) परिसज्जा - भाग 1 घरेलू और सजावटी प्रयोग के लिए	1 लिटर	72000	58000	0.26	सभी	-	-	-	-	20 12 2016
265	-	-	1993	हाइड्रोक्लोरिक अम्ल	1 कि. ग्रा	58000	47000	0.26	सभी	-	-	-	-	20 12 2016
266	-	-	1993	सल्फुरिक एसिड	1 कि. ग्रा	73000	59000	0.26	सभी	-	-	-	-	20 12 2016
915	-	-	2012	प्रयोगशाला ग्लासवेयर - एक - चिन्ह वाली आयतनी फ्लास्क	1 फ्लास्क	52000	42000	1.05	सभी	-	-	-	-	20 12 2016
1117	-	-	1975	एक अंक पिपेट	100 पीस	53000	43000	13.8	सभी	-	-	-	-	20 12 2016
1381	1	-	2003	प्रयोगशाला काँच सामान - लघु ग्रीवा कथन फ्लास्क	1 पीस	50000	40000	0.25	सभी	-	-	-	-	20 12 2016
1997	-	-	2013	प्रयोगशाला हेतु ग्लासवेयर - ब्यूरेट	1 पीस	56000	45000	1.4	सभी	-	-	-	-	20 12 2016
5487	-	-	1992	धातु पालिश, तरल	1 किलो लिटर	57000	46000	51.8	सभी	-	-	-	-	20 12 2016
12254	-	-	1993	पालीविनाइल क्लोराईड औद्योगिक जूते	1 जोड़ा	69000	56000	0.44	सभी	-	-	-	-	20 12 2016
2619	-	-	1993	काँच के बीकर	1 पीस	55000	44000	0.16	सभी	-	-	-	-	20 12 2016
1109	-	-	1980	बोरक्स	1 टन	53000	43000	85	सभी	-	-	-	-	20 12 2016
11673	-	-	1992	सोडियम हाइपोक्लोराइट	1 किलो लिटर	63000	51000	15	सभी	-	-	-	-	20 12 2016
1989	1	-	1986	चमड़े की बूटों और जूतों की विशिष्टि भाग 2 भारी धातु के उद्घोषों के लिए	1 जोड़ा	67000	54000	0.5	सभी	-	-	-	-	20 12 2016
1989	2	-	1986	चमड़े की बूटों और जूतों की विशिष्टि भाग 2 खद्दानों के लिए	1 जोड़ा	68000	55000	0.5	सभी	-	-	-	-	20 12 2016
3736	-	-	1995	कैनवस के बूट, रबड़ सोल	1 जोड़ा	72000	58000	1.2	सभी	-	-	-	-	20 12 2016
5557	-	-	2004	औद्योगिक और संरक्षी रबड़ घुटना और टखना जूते	1 जोड़ा	95000	76000	0.8	सभी	-	-	-	-	20 12 2016
7532	-	-	1974	नरम साबुन	1 टन	70000	56000	34.6	सभी	-	-	-	-	20 12 2016
13209	-	-	1974	न मिटने वाली स्याही	1 लिटर	47000	38000	7	सभी	-	-	-	-	20 12 2016
1069	-	-	1993	संचायक बैटरियों के लिए पानी की गुणता छूटें	1 किलो लिटर	53000	43000	6	सभी	-	-	-	-	20 12 2016
251	-	-	1998	सोडा भस्म, तकनीकी	1 टन	47000	38000	1.5	सभी	-	-	-	-	20 12 2016
711	-	-	1970	फेरिक क्लोराइड तकनीकी	1 टन	55000	44000	8	सभी	-	-	-	-	20 12 2016
2142	-	-	1992	ब्रोमीन, तकनीकी	1 टन	51000	41000	51	सभी	-	-	-	-	20 12 2016
2933	1	-	2013	इनैमल, बाहरी: (क) अधलेपन (ख) परिसज्जा - भाग 1 घरेलू और सजावटी प्रयोग के लिए	1 लिटर	68000	55000	0.27	सभी	-	-	-	-	20 12 2016

2932	1	-	2013	इनैमल, संक्षिप्त, बाहरी (क) अधलेपन (ख) परिसजा - भाग 1 धरेलू और सजावटी प्रयोग के लिए	1 लिटर	81000	65000	0.26	सभी	-	-	-	-	20 12 2016
6911	-	-	1992	स्टेनलेस इस्पात की प्लेट, चदरें तथा पत्तियाँ	1 टन	96000	77000	12	सभी	-	-	-	-	20 12 2016
5531	-	-	2014	पानी और मल जल की दबाव पाइपों के ऐस्बेस्टॉस सीमेंट के लिए ढलवा लोहे के घटक	1 टन	77000	62000	17.30	सभी	-	-	-	-	20 12 2016
21	-	-	1992	बर्तन निर्माण के लिए पिटवाँ एल्युमिनियम और एल्युमिनियम-मिश्रधातुएँ	1 टन	64000	52000	160	सभी	-	-	-	-	20 12 2016
3975	-	-	1999	केबिल्स के कवच के लिए अल्प कार्बन जस्तीकृत इस्पात तारें, आकृति तारें और टेप	1 टन	49000	40000	10.4	सभी	-	-	-	-	20 12 2016
277	-	-	2003	जस्तीकृत इस्पात की चदरें (सादी एवं नालीदार)	1 टन	47000	38000	4.5	सभी	-	-	-	-	20 12 2016
1783	2	-	2014	बन्द सिरे वाले बड़े ड्रम - भाग 2 ग्रेड बी ड्रम	1 ड्रम	60000	48000	1.8	सभी	-	-	-	-	20 12 2016
4923	-	-	1997	खोखले इस्पात के खंड संरचनात्मक प्रयोग के लिए	1 टन	74000	60000	8.7	सभी	-	-	-	-	20 12 2016
13997	-	-	2014	ऊपर से खुले बड़े ड्रम	1 ड्रम	53000	43000	1.8	सभी	-	-	-	-	20 12 2016
210	-	-	2009	भूरे लोहे की ढलाईयाँ	1 टन	49000	40000	72	सभी	-	-	-	-	20 12 2016
2062	-	-	2011	तप्त बेल्डित मध्यम एवं उच्च तन्यता के संरचना इस्पात	1 टन	62000	50000	3	सभी	-	-	-	-	20 12 2016
2831	-	-	2012	संरचना इस्पात (साधारण गुणता) के पुनर्वेल्लन हेतु कार्बन ढलवाँ इस्पात इंगट, बिलेट, ब्लूम एवं स्लैब	1 टन	46000	37000	3	सभी	-	-	-	-	20 12 2016
2830	-	-	2012	सामान्य संरचना इस्पात हेतु पुनर्वेल्लन के लिए कार्बन ढलवाँ इस्पात इंगट, बिलेट, ब्लूम एवं स्लैब	1 टन	49000	40000	3	सभी	-	-	-	-	20 12 2016

7887	-	-	1992	सामान्य इंजीनियरी प्रयोजनों के लिये मुदुइस्पात तार सरिये	1 टन	66000	53000	3	सभी	-	-	-	-	20 12 2016
1538	-	-	1993	पानी, गैस और मलजल के लिये ढलवां लोहे के दाब पाइपों की फिटिंग	1 टन	62000	50000	41.35	सभी	-	-	-	-	20 12 2016
1875	-	-	1992	गढ़ाइयों के लिए कार्बन इस्पात के बिल्लेट, ब्लूम, मिलियाँ एवं छड़ें	1 टन	60000	48000	3.6	सभी	-	-	-	-	20 12 2016
9523	-	-	2000	पानी, गैस एवं मलजल के लिये दाब पाइप हेतु तन्द लोहे की फिटिंगें	1 मी. टन	79000	64000	43.9	सभी	-	-	-	-	20 12 2016
916	-	-	2000	चौकोर कनस्तर - ठोस पदार्थों के लिए	100 कनस्तर	58000	47000	8.7	सभी	-	-	-	-	20 12 2016
4270	-	-	2001	पानी के कुओं में उपयोग के लिए इस्पात नलिकाएँ	1 टन	71000	57000	8.7	सभी	-	-	-	-	20 12 2016
9295	-	-	1983	पट्टा कन्वेयर के लिए आइडलर के इस्पात की नलियाँ	1 टन	61000	49000	8.7	सभी	-	-	-	-	20 12 2016
7903	-	-	2011	बन्हादि - उच्च घनत्व पोलीइथलीन बुने कपड़े से बने तिरपाल	100 वर्ग मी.	99000	80000	7	सभी	-	-	-	-	20 12 2016
1422	-	-	1983	सूती डक	100 वर्ग मी.	53000	43000	11.6	सभी	-	-	-	-	20 12 2016
15853	-	-	2009	बन्हादि - वर्दियों के लिए पॉलीस्टर मिश्रित बुनी सूटिंग	100 वर्ग मी.	66000	53000	10.10	सभी	-	-	-	-	20 12 2016
2566	-	-	1993	बन्हादि - अनाज भरने के बी-द्विवल पटसन के बोरे	1 टन	63000	51000	17.3	सभी	-	-	-	-	20 12 2016
12650	-	-	2003	बन्हादि - 50 कि. ग्रा. खाद्यान्न पैक करने लिए पटसन के बोरे	1 मी. टन	59000	48000	17.3	सभी	-	-	-	-	20 12 2016
8391	-	-	1987	कुशनिंग के लिए रबड़कृत कयत कि शीट	1 टन	82000	66000	43.2	सभी	-	-	-	-	20 12 2016

758	-	-	1988	हथकरघे पर बुने सूती गॉज, अवरोशी, निर्जर्मक रहित	100 वर्ग मी.	47000	38000	12	सभी	-	-	-	-	20 12 2016
863	-	-	1988	हथकरघे पर निर्मित सूची वेडेज सूची, गैर-	100 वर्ग मी.	47000	38000	16	सभी	-	-	-	-	20 12 2016
175	-	-	1989	चदर के कपड़े, विस्तर के लिए मोटा धारोधार सूती कपड़ा और चदरे	100 मी.	87000	70000	14.5	सभी	-	-	-	-	20 12 2016
14928	-	-	2001	बन्नादि - सम्मिश्रण संश्लिष्ट रेशों कि रस्सियाँ	1 मी. टन	47000	38000	300	सभी	-	-	-	-	20 12 2016
14929	-	-	2001	बन्नादि - उच्च सामर्थ्य पॉलीओलीफाइन्स कोपोलोमर की रस्सियाँ	1 मी. टन	49000	40000	260	सभी	-	-	-	-	20 12 2016
2089	-	-	1977	आम पूफ़ड कैनवास/ डक तथा पोलिन (तारपोलीन)	सौ वर्ग मीटर	65000	52000	8.6	सभी	-	-	-	-	20 12 2016
5382	-	-	1985	गैस साधन, पानी के साधन और नाली के लिए रबर सील छल्ले	एक टुकड़ा	76000	61000	0.26	सभी	-	-	-	-	20 12 2016
15559	-	-	2004	पॉलिएस्टर स्ट्रैपिंग	सौ किलो ग्राम	49000	40000	25	सभी	-	-	-	-	20 12 2016
8887	-	-	2004	सड़को के लिए बिटूमेन पायस (धनायनिक टाइप)	एक टन	94000	76000	49	सभी	-	-	-	-	20 12 2016
2396	-	-	1988	ईंधन के वितरण के लिए रबर की नली	सौ मीटर	64000	52000	25.9	सभी	-	-	-	-	20 12 2016
245	-	-	1988	ट्राइक्लोरोथिलीन, तकनीकी	एक टन	52000	42000	25.9	सभी	-	-	-	-	20 12 2016
15410	-	-	2003	पैकेजबन्द खनिज जल और पैकेजबन्द पेय जल की पैकेजबन्दी के लिए धारक	सौ टुकड़े	73000	59000	52	सभी	-	-	-	-	20 12 2016
7466	-	-	1994	प्रेसर कुकरो के लिए रबर के गार्स्केट	सौ गार्स्केट	74000	61000	1.75	सभी	-	-	-	-	20 12 2016

10908	-	-	1991	द्रवित पेट्रोलियम गैस के लिए रबड़ की नम्य नलियाँ	सौ मीटर	69000	56000	5.2	सभी	-	-	-	-	20 12 2016
1741	-	-	1960	लेटेक्स फोम रबर उत्पाद	एक टन	66000	51000	86	सभी	-	-	-	-	20 12 2016
4654	-	-	1993	पैराफिन मोम	एक टन	56000	45000	13.8	सभी	-	-	-	-	20 12 2016
702	-	-	1988	औद्योगिक कोलतार	एक टन	63000	51000	17.5	सभी	-	-	-	-	20 12 2016
7933	-	-	1975	घरेलू गद्दे के लिए लचीला फोम	एक किलो ग्राम	93000	75000	0.54	सभी	-	-	-	-	20 12 2016
638	-	-	1979	चदर रबड़ जोड़ तथा रबड़ निवेश्य जोड़	एक टन	64000	52000	200	सभी	-	-	-	-	20 12 2016
3549	-	-	1983	रबड़ के पानी चूषण और उत्सर्जन के हौज, हेवी ड्यूटी	सौ मीटर	89000	72000	161.8	सभी	-	-	-	-	20 12 2016
5430	-	-	1981	अमोनिया संरक्षित केंद्रित प्राकृतिक रबर लेटेक्स	एक टन (डी आर सी बेसिस)	57000	46000	51.8	सभी	-	-	-	-	20 12 2016
8654	-	-	2001	मोटर वाहन हाइड्रोलिक ब्रेक द्रव, हेवी ड्यूटी	एक किलो लीटर	95000	76000	86	सभी	-	-	-	-	20 12 2016
1007	-	-	1984	कस्टर्ड पाउडर	एक किलो ग्राम	50000	40000	0.18	सभी	-	-	-	-	20 12 2016
1008	-	-	2004	उबली हुई चीनी की कोन्फेक्शनरी	एक किलो ग्राम	56000	45000	0.18	सभी	-	-	-	-	20 12 2016
1011	-	-	2002	बिस्कुट	एक टन	51000	41000	8.7	सभी	-	-	-	-	20 12 2016
1051	-	-	1980	पाइरेथ्रम सत्त	100 लीटर	61000	49000	34.5	सभी	-	-	-	-	20 12 2016

1159	-	-	1981	ब्रेकिंग पाउडर	एक किलो ग्राम	46000	37000	0.1	सभी	-	-	-	-	20 12 2016
1165	-	-	2002	दूध का पाउडर	एक टन	80000	64000	40	सभी	-	-	-	-	20 12 2016
1251	-	-	1988	ज़िक फॉस्फाइड, तकनीकी	एक टन	47000	38000	97.95	सभी	-	-	-	-	20 12 2016
1319	-	-	1983	खाने योग्य टैपिओका स्टार्च	एक टन	64000	52000	24	सभी	-	-	-	-	20 12 2016
1488	-	-	1989	कीटनाशक - 2, 4 - डी सोडियम लवण, तकनीकी	एक टन	57000	46000	285	सभी	-	-	-	-	20 12 2016
1507	-	-	1977	कॉपर ऑक्सीक्लोराइड के पानी में छितराने वाले पाउडर के सान्द्र की विशिष्टि	एक टन	49000	40000	196	सभी	-	-	-	-	20 12 2016
1656	-	-	2007	दुग्ध-अनाज आधारित अनुपूरक आहार	एक टन	133000	107000	172.8	सभी	-	-	-	-	20 12 2016
1664	-	-	2002	खनिज मिश्रण, पशु आहार का पूरक	एक टन	84000	68000	58.3	सभी	-	-	-	-	20 12 2016
1694	-	-	1994	टाट्राजिन खाद्य ग्रेड	एक किलो ग्राम	63000	51000	1.6	सभी	-	-	-	-	20 12 2016
1698	-	-	1994	इंडिगो कारमिन, खाद्य ग्रेड	एक किलो ग्राम	62000	50000	1.3	सभी	-	-	-	-	20 12 2016
1806	-	-	1975	जौ मिश्रित दूध आहार	एक टन	56000	45000	34.5	सभी	-	-	-	-	20 12 2016
1824	-	-	1978	कीटनाशी प्रसार स्प्रे की विशिष्टि	100 लीटर	90000	72000	34.5	सभी	-	-	-	-	20 12 2016
1825	-	-	1983	अलुमीनियम अलॉय दूध कैन की विशिष्टि	1 कैन	62000	50000	2.1	सभी	-	-	-	-	20 12 2016



1832	-	-	1978	मेलाथियान, तकनीकी की	एक टन	55000	44000	86.4	सभी	-	-	-	-	20 12 2016
1932	-	-	1986	पशुधन आहार घटक के रूप में सरसों एवं रेप्सीड खली	एक टन	69000	56000	16	सभी	-	-	-	-	20 12 2016
2358	-	-	1984	स्थायीकृत मिथोकसी इथाइल मरकयूरी क्लोराइड (एम ई एम सी) सांद्र पर आधारित फॉर्म्युलेशन	एक टन	46000	37000	255.6	सभी	-	-	-	-	20 12 2016
2404	-	-	1993	माल्ट सार	एक टन	64000	52000	20.7	सभी	-	-	-	-	20 12 2016
2558	-	-	1994	पॉसो 4 आर, खाद्य ग्रेड	एक किलो ग्राम	65000	50000	1.3	सभी	-	-	-	-	20 12 2016
2567	-	-	1978	मेलाथियान इमल्सिफ़ेबल सान्द्र	100 लीटर	52000	42000	34.5	सभी	-	-	-	-	20 12 2016
2568	-	-	1978	मेलाथियान पानी में छितराने वाले पाउडर	एक टन	51000	41000	60	सभी	-	-	-	-	20 12 2016
2569	-	-	1978	मेलाथियान के पानी में छितराने वाले पाउडर के सान्द्र	एक टन	64000	52000	160	सभी	-	-	-	-	20 12 2016
2785	-	-	1979	प्राकृतिक चीज़ (सख्त किस्म), प्रसंस्कृत चीज़, प्रसंस्कृत चीज़ स्प्रेड एवं नरम चीज़	एक टन	50000	40000	34.5	सभी	-	-	-	-	20 12 2016
2923	-	-	1995	कार्मोसीन, खाद्य ग्रेड	एक किलो ग्राम	65000	52000	1.45	सभी	-	-	-	-	20 12 2016
3383	-	-	1982	आर्द्रकरणीय सल्फर पाउडर	एक टन	54000	44000	45	सभी	-	-	-	-	20 12 2016
3899	-	-	1981	जीनेब का पानी में छितराने वाला पाउडर	एक टन	58000	47000	193.35	सभी	-	-	-	-	20 12 2016
3902	-	-	1975	डाईमिथोएट तकनीकी	एक टन	58000	47000	172.8	सभी	-	-	-	-	20 12 2016

3903	-	-	1984	डाईमिथोएट, इमलिसफ़िऐबल सांद्र	100 लीटर	51000	41000	34.5	सभी	-	-	-	-	20 12 2016
3906	-	-	1995	फसल संरक्षण उपस्कर – हस्तचालित पीठ पर लादा जाने वाला संपीडन फुहारा, पिस्टन टाईप	एक संपीडन फुहारा	53000	43000	3.45	सभी	-	-	-	-	20 12 2016
4320	-	-	1982	थाइरम, तकनीकी	एक टन	48000	39000	250	सभी	-	-	-	-	20 12 2016
4467	-	-	1996	कैरामल	एक किलो ग्राम	75000	60000	0.2	सभी	-	-	-	-	20 12 2016
4766	-	-	1982	थाइरम का पानी में छितराने वाला पाउडर	एक टन	54000	44000	270	सभी	-	-	-	-	20 12 2016
5191	-	-	1993	सोडियम एल्लिजनेट, खाद्य ग्रेड	एक किलो ग्राम	88000	71000	0.42	सभी	-	-	-	-	20 12 2016
5277	-	-	1978	डाईक्लोरवांस, इमलिसफ़िऐबल सांद्र	100 लीटर.	54000	44000	34.5	सभी	-	-	-	-	20 12 2016
5278	-	-	1969	डाईकोफॉल, तकनीकी	एक टन	46000	37000	306.7	सभी	-	-	-	-	20 12 2016
5279	-	-	1969	डाईकोफॉल, इमलिसफ़िऐबल सांद्र	100 लीटर	49000	40000	34.5	सभी	-	-	-	-	20 12 2016
5342	-	-	1996	एस्कोर्विक अम्ल, खाद्य ग्रेड	एक किलो ग्राम	65000	52000	1.4	सभी	-	-	-	-	20 12 2016
5346	-	-	1994	संश्लिष्ट खाद्य रंग – निमित्तियों और मिश्रण	1 किलो ग्राम (पाउड र), 1 किलो ग्राम (तरल) के लिए	54000	44000	0.45	सभी	-	-	-	-	20 12 2016
5719	-	-	2005	जिलेटिन, खाद्य ग्रेड	एक किलो ग्राम	68000	55000	0.2	सभी	-	-	-	-	20 12 2016

6046	-	-	1982	कृषि उपयोग के लिये जिप्सम	एक मी. टन	53000	43000	2	सभी	-	-	-	-	20 12 2016
6385	-	-	1997	सैकरीन, खाद्य ग्रेड	एक किलो ग्राम	71000	57000	3.2	सभी	-	-	-	-	20 12 2016
6438	-	-	1980	एल्युमीनियम फॉस्फाइड पाउडर फॉर्मिलेशन	एक टन	46000	37000	69.1	सभी	-	-	-	-	20 12 2016
6444	-	-	1979	सल्फर डस्टिंग पाउडर	एक टन	46000	37000	19	सभी	-	-	-	-	20 12 2016
7021	-	-	1973	शिशु एवं विद्याभ्यास के पूर्व बच्चों के लिए प्रोटीन से भरपूर खाद्य अनुपूरक	एक टन	80000	64000	20	सभी	-	-	-	-	20 12 2016
7948	-	-	1987	फेन्थियन, इमलिसिफ़ेबल सांद्र (ईसी)	100 लीटर	47000	38000	200	सभी	-	-	-	-	20 12 2016
8025	-	-	1990	मोनोक्रोटोफॉस, तकनीकी	एक टन	48000	39000	34.5	सभी	-	-	-	-	20 12 2016
8028	-	-	1987	क्विनाल्फोस, इमलिसिफ़ेबल सांद्र (ईसी)	100 लीटर	48000	39000	34.5	सभी	-	-	-	-	20 12 2016
8074	-	-	1990	मोनोक्रोटोफॉस एस एल	100 लीटर	49000	40000	34.5	सभी	-	-	-	-	20 12 2016
8249	-	-	1994	जिक सल्फेट हेप्टाहाइड्रेट, कृषि ग्रेड	एक टन	54000	44000	17.3	सभी	-	-	-	-	20 12 2016
8291	-	-	1976	फेन्थोएट, इमलिसिफ़ेबल सांद्र	100 लीटर	47000	38000	34.5	सभी	-	-	-	-	20 12 2016
8446	-	-	1991	कीटनाशक - कार्बेण्डाजीम (एम बी सी) डब्लू पी	एक टन	57000	46000	285	सभी	-	-	-	-	20 12 2016
8498	-	-	2013	टेमफोस, इमलिसिफ़ेबल सांद्र (ई.सी.)	100 लीटर	48000	39000	38.40	सभी	-	-	-	-	20 12 2016

8707	-	-	2013	मेनकोजेब तकनी की	एक टन	48000	39000	156	सभी	-	-	-	-	20 12 2016
8708	-	-	2006	मेनकोजेब आर्द्रकरणीय पाउडर	एक टन	53000	43000	265	सभी	-	-	-	-	20 12 2016
8944	-	-	2005	क्लोरोपाइरीफॉस, ई. सी.	100 लीटर	52000	42000	40	सभी	-	-	-	-	20 12 2016
8960	-	-	1978	मिथाइल पैराथिऑन, डस्टिंग पाउडर	एक टन	50000	40000	50	सभी	-	-	-	-	20 12 2016
9354	-	-	1980	एलेक्लोर इमलिसिफ़िएबल सांद्र	100 लीटर	52000	42000	34.5	सभी	-	-	-	-	20 12 2016
9356	-	-	1980	ड्यूटाक्लोर, इमलिसिफ़िएबल सांद्र	100 लीटर	52000	42000	38	सभी	-	-	-	-	20 12 2016
9359	-	-	1995	कीटनाशक - फोरेट जी संपुटित	एक टन	53000	43000	90	सभी	-	-	-	-	20 12 2016
9360	-	-	1980	कार्बोफ्यूथ्रान ग्रैनुल, संपुटित	एक टन	66000	53000	86.4	सभी	-	-	-	-	20 12 2016
9532	-	-	1980	चक्का एवं श्रीखंड	एक टन	51000	41000	17.2	सभी	-	-	-	-	20 12 2016
9585	-	-	1980	लैक्टोमीटर	एक पीस	47000	38000	0.16	सभी	-	-	-	-	20 12 2016
9665	-	-	1981	प्रोपाक्झुर, इमलिसिफ़िएबल सांद्र	100 लीटर	59000	48000	118	सभी	-	-	-	-	20 12 2016
10243	-	-	1993	2,4 - डी इथाइल एस्टर, इमलिसिफ़िएबल सांद्र (ईसी)	100 लीटर	49000	40000	34.5	सभी	-	-	-	-	20 12 2016
11010	-	-	1984	ज़ाईरम कोलाइडल सस्पेंशन	100 लीटर	52000	42000	34.5	सभी	-	-	-	-	20 12 2016

11536	-	-	2007	प्रसंस्कृत-अनाज आधारित अनुपूरक आहार	एक टन	15500 0	12400 0	172.8	सभी	-	-	-	-	20 12 2016
11785	-	-	1986	कंपटन आर्द्रकरणीय पाउडर (डब्ल्यू पी)	एक टन	52000	42000	300	सभी	-	-	-	-	20 12 2016
11995	-	-	1987	आइसोप्रोटुरॉन आर्द्रकरणीय पाउडर (डब्ल्यू पी)	एक टन	53000	43000	345	सभी	-	-	-	-	20 12 2016
11997	-	-	1987	फेनवैलरेट, इमलिसिफ़िक्बल सांद्र (ईसी)	100 लीटर	58000	47000	56	सभी	-	-	-	-	20 12 2016
12016	-	-	1987	साइपरमेथ्रिन, इमलिसिफ़िक्बल सांद्र (ईसी)	100 लीटर	48000	39000	69.1	सभी	-	-	-	-	20 12 2016
12337	-	-	1988	हस्त-चालित उर्वरक प्रसारक	एक प्रसारक	46000	37000	1.38	सभी	-	-	-	-	20 12 2016
12751	-	-	1989	कीटनाशक – पेंडीमेथालीन	100 लीटर	59000	48000	70	सभी	-	-	-	-	20 12 2016
12786	-	-	1989	सिंचाई उपस्कार — सिंचाई अमुख्य के लिए पोलीएथिलीन पाइप	एक किलो ग्राम	89000	72000	0.1	सभी	-	-	-	-	20 12 2016
12912	-	-	1990	ब्रोमोडायोलोन आर बी	एक टन	49000	40000	449.2 8	सभी	-	-	-	-	20 12 2016
12916	-	-	1990	एसीफेट एस पी	एक टन	46000	37000	728.2	सभी	-	-	-	-	20 12 2016
12931	-	-	1990	पेट्राज़ीन डब्ल्यू पी	100 किलो ग्राम	53000	43000	43.2	सभी	-	-	-	-	20 12 2016
13428	-	-	2005	पैकेजबंद प्राकृतिक मिनरल जल	1000 लीटर	125000	100000	20	6000	15	400 0	10	शेष	20 12 2016
13457	-	-	1992	कीटनाशक – डेल्टामेथरिन डब्ल्यू पी	एक मी. टन	58000	47000	1,124.00	सभी	-	-	-	-	20 12 2016

13487	-	-	1992	सिंचाई उपस्कर – उत्सर्जक	1000 उत्सर्ज क	55000	44000	8.6	सभी	-	-	-	-	20 12 2016
13785	-	-	1993	कीटनाशक – डोडिन डब्ल्यू पी	एक किलो ग्राम	55000	44000	2.6	सभी	-	-	-	-	20 12 2016
14151 (P-1 )	-	-	1999	सिंचाई उपस्कर – स्प्रिंकलर पाइप- भाग- 1 : पालि एथिलीन पाइप	एक किलो ग्राम	10800 0	87000	0.18	सभी	-	-	-	-	20 12 2016
14158	-	-	1994	सिक्लुथ्रिन, घुलनशील पाउडर	100 किलो ग्राम	63000	51000	414.7	सभी	-	-	-	-	20 12 2016
14183	-	-	1994	कीटनाशक - कारतप हाइड्रोक्लोराइड घुलनशील पाउडर	एक टन	53000	43000	792	सभी	-	-	-	-	20 12 2016
144 11	-	-	1996	डेल्टामैथरिन एफ	100 लीटर	48000	39000	62.4	सभी	-	-	-	-	20 12 2016
14510	-	-	1997	लेम्बडा-साइहैलोथ्रिन घुलनशील पाउडर	एक किलो ग्राम	52000	42000	6	सभी	-	-	-	-	20 12 2016
14543	-	-	2004	पैकेजबंद पेय जल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा )	1000 लीटर	12800 0	10240 0	20	6000	15	400 0	10	शेष	20 12 2016
14552	-	-	1998	थी ओफ्रेनेट मिथायल, डब्ल्यू पी	एक किलो ग्राम	53000	43000	1.35	सभी	-	-	-	-	20 12 2016
14724	-	-	1999	जल परिशोधक यंत्र- पराबैंगनी रोगाणुनाशक सहित	एक पीस	87000	70000	9.6	सभी	-	-	-	-	20 12 2016
14743	-	-	1999	सिंचाई उपस्कर - हाइड्रोसाइक्लोन फिल्टर	एक फिल्टर	68000	55000	8	सभी	-	-	-	-	20 12 2016
15160	-	-	2002	प्रेटीलाक्लोर इम्यूलीफियबल सांद्र	100 लीटर	47000	38000	22	2000	11	शेष	-	-	20 12 2016
15182	-	-	2002	प्रोपीकोनेज़ोल ई. सी०	100 लीटर	49000	40000	130.00	सभी	-	-	-	-	20 12 2016

15219	-	-	2002	एल्यूमिनियम फास्फाइड पाउडर फोरम्युलेशन	एक किलो ग्राम	46000	37000	1.1	सभी	-	-	-	-	20 12 2016
15227	-	-	2002	डेल्टामेथ्रीन यू. एल. बी.	100 लीटर	47000	38000	115	सभी	-	-	-	-	20 12 2016
15236	-	-	2002	प्रोफेनोफोस+ साइपरमेथ्रिन इम्लसीफिकेबल सांद्र	100 लीटर	57000	46000	124.20	सभी	-	-	-	-	20 12 2016
15335	-	-	2003	इमीडाक्लोप्रिड एस एल	100 लीटर	52000	42000	55.00	सभी	-	-	-	-	20 12 2016
15603	-	-	2005	अल्फासाइपर-मेथरिन, डब्ल्यू. पी.	एक मी. टन	68000	55000	170	सभी	-	-	-	-	20 12 2016
15757	-	-	2007	अनुसरित फार्मूला – अनुपूरक आहार	एक मी. टन	154000	124000	245	250	123	250	62	शेष	20 12 2016
15939	-	-	2011	कीटनाशक- बाइफेन्थरीन आर्द्रकरणीय पाउडर	एक किलो ग्राम	63000	51000	0.9	सभी	-	-	-	-	20 12 2016

[संदर्भ : सीएमडी-2/जी -18]

ए. के. शर्मा, वैज्ञानिक एफ एवं उपमहानिदेशक (प्रमाणन)

**MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION****(Department of Consumer Affairs)****(BUREAU OF INDIAN STANDARDS)**

New Delhi, the 20th December, 2016

**S.O. 2450.**—In pursuance of sub-regulation (3) of regulation 6 of the Bureau of Indian Standards (Certification) Regulations 1988, the Bureau of Indian Standards, hereby notifies the Marking fee for the product given in the schedule:

**SCHEDULE**

IS No.	Part	Sec	Year	Product	Units	Minimum Marking Fee (Rs.)		Unit Rate Slab-1 Fee (Rs.)	Units in Slab-1	Unit Rate Slab-2 Fee (Rs.)	Units in Slab-2	Unit Rate Slab-3 Fee (Rs.)	Units in Slab-3	Effective Date
						Large Scale	MSME							
252	-	-	2013	Caustic Soda	ONE TONNE	58000	47000	15.9	All	-	-	-	-	20 12 2016
868	-	-	1990	Sealing wax	100 KG	58000	47000	20.2	All	-	-	-	-	20 12 2016

1551	-	-	1991	Carbon papers for typewriter	1 BOX OF 100	51000	41000	0.36	All	-	-	-	-	20 12 2016
1746	-	-	1992	Shoe polish, paste	1 KG	76000	61000	0.26	All	-	-	-	-	20 12 2016
13213	-	-	1991	Polyurethane full gloss enamel (two pack)	100 ltr	80000	64000	48	All	-	-	-	-	20 12 2016
15573	-	-	2005	Polyaluminium chloride	1 MT	57000	46000	10	All	-	-	-	-	20 12 2016
261	-	-	1982	Copper sulphate	1 TONNE	53000	43000	35.35	All	-	-	-	-	20 12 2016
1221	-	-	1991	Fountain Pen Ink - Dye Based	1 LITRE	59000	48000	0.17	All	-	-	-	-	20 12 2016
11087	-	-	1986	Paper for magnetic ink character recognition cheque printing	1 TONNE	59000	48000	43.2	All	-	-	-	-	20 12 2016
341	-	-	1973	Black japan, Types A, B and C	1 LITRE/1 KG	90000	72000	0.26	All	-	-	-	-	20 12 2016
1061	-	-	1997	Disinfectant Fluids, Phenolic Type	1 KILO LITRE	72000	58000	43.2	All	-	-	-	-	20 12 2016
1065	-	-	1989	Bleaching Powder, Stable	ONE TONNE	50000	40000	8.6	All	-	-	-	-	20 12 2016
10758	-	-	1983	De-odourising-cum-disinfectant fluids	100 LITRES	62000	50000	8.6	All	-	-	-	-	20 12 2016
427	-	-	2013	Distemper, Dry, Colour as Required	1 LITRE/1 KG	68000	55000	0.26	All	-	-	-	-	20 12 2016
6956	-	-	2001	Cover Paper	1 TONNE	63000	51000	55	All	-	-	-	-	20 12 2016
2653	-	-	2004	Safety Matches in Boxes	10000 BOXES	48000	39000	8	All	-	-	-	-	20 12 2016
2730	-	-	1977	Magnesium sulphate (epsom salt)	1 TONNE	50000	40000	25	All	-	-	-	-	20 12 2016
12766	-	-	1997	Paper, computer	1000 SHEETS	68000	55000	0.9	All	-	-	-	-	20 12 2016
158	-	-	2015	Ready Mixed Paint, Brushing, Bituminous, Black, Lead-free, Acid, Alkali And Heat Resisting	1 LITRE/1 KG	60000	48000	0.26	All	-	-	-	-	20 12 2016
164	-	-	2015	Ready Mixed Paint for Road Marking	1 LITRE/1 KG	64000	52000	0.26	All	-	-	-	-	20 12 2016
285	-	-	1992	Laundry Soaps	1 TONNE	59000	48000	50	All	-	-	-	-	20 12 2016
428	-	-	2013	Washable Distemper	1 LITRE/1 KG	68000	55000	0.26	All	-	-	-	-	20 12 2016
15489	-	-	2013	Paint, Plastic Emulsion	100 LITRES	105000	84000	21	All	-	-	-	-	20 12 2016
133	1	-	2013	Enamel, Interior : (a) Undercoating (b) Finishing	1 LITRE	72000	58000	0.26	All	-	-	-	-	20 12 2016
265	-	-	1993	Hydrochloric acid	1 KG	58000	47000	0.26	All	-	-	-	-	20 12 2016
266	-	-	1993	Sulphuric acid	1 KG	73000	59000	0.26	All	-	-	-	-	20 12 2016
915	-	-	2012	Laboratory Glassware - One-mark Volumetric Flasks	1 FLASK	52000	42000	1.05	All	-	-	-	-	20 12 2016
1117	-	-	1975	One-mark pipettes	100 PIECES	53000	43000	13.8	All	-	-	-	-	20 12 2016
1381	1	-	2003	Laboratory Glassware - Narrow-Necked Boiling Flasks	1 PIECE	50000	40000	0.25	All	-	-	-	-	20 12 2016
1997	-	-	2013	Laboratory glassware - Burettes	1 PIECE	56000	45000	1.4	All	-	-	-	-	20 12 2016
5487	-	-	1992	Metal polish, liquid	1 KILO LITRE	57000	46000	51.8	All	-	-	-	-	20 12 2016
12254	-	-	1993	Polyvinyl Chloride (PVC) Industrial	ONE PAIR	69000	56000	0.44	All	-	-	-	-	20 12 2016



				Boots										
2619	-	-	1993	Glass Beakers	1 PIECE	55000	44000	0.16	All	-	-	-	-	20 12 2016
1109	-	-	1980	Borax	1 TONNE	53000	43000	85	All	-	-	-	-	20 12 2016
11673	-	-	1992	Sodium Hypochlorite Solution	1 KILO LITRE	63000	51000	15	All	-	-	-	-	20 12 2016
1989	1	-	1986	Leather Safety Boots and Shoes - Part 1 : For Miners	1 PAIR	67000	54000	0.5	All	-	-	-	-	20 12 2016
1989	2	-	1986	Leather Safety Boots and Shoes - Part 2 : For Heavy Metal Industries	1 PAIR	68000	55000	0.5	All	-	-	-	-	20 12 2016
3736	-	-	1995	Canvas boots, rubber sole	1 PAIR	72000	58000	1.2	All	-	-	-	-	20 12 2016
5557	-	-	2004	Industrial and Protective Rubber Knee and Ankle Boots	1 PAIR	95000	76000	0.8	All	-	-	-	-	20 12 2016
7532	-	-	1974	Soft Soap	1 TONNE	70000	56000	34.6	All	-	-	-	-	20 12 2016
13209	-	-	1974	Indelible ink	1 LITRE	47000	38000	7	All	-	-	-	-	20 12 2016
1069	-	-	1993	Quality Tolerances for Water for Storage Batteries	1 KILO LITRE	53000	43000	6	All	-	-	-	-	20 12 2016
251	-	-	1998	Soda ash, technical	1 TONNE	47000	38000	1.5	All	-	-	-	-	20 12 2016
711	-	-	1970	Ferric chloride, technical	1 TONNE	55000	44000	8	All	-	-	-	-	20 12 2016
2142	-	-	1992	Bromine, technical	1 TONNE	51000	41000	51	All	-	-	-	-	20 12 2016
2933	1	-	2013	Enamel exterior (a) undercoating, (b) finishing	1 LITRE	68000	55000	0.27	All	-	-	-	-	20 12 2016
2932	1	-	2013	Enamel, Synthetic, Exterior : (a) Undercoating (b) Finishing: Part 1 for Domestic and Decorative Applications	1 LITRE	81000	65000	0.26	All	-	-	-	-	20 12 2016
6911	-	-	1992	Stainless steel plate, sheet and strip	1 TONNE	96000	77000	12	All	-	-	-	-	20 12 2016
5531	-	-	2014	Cast iron specials for asbestos-cement pressure pipes for water, gas and sewage	1 TONNE	77000	62000	17.30	All	-	-	-	-	20 12 2016
21	-	-	1992	Wrought Aluminium and Aluminium Alloys for Manufacture of Utensils	1 TONNE	64000	52000	160	All	-	-	-	-	20 12 2016
3975	-	-	1999	Mild steel wires, formed wires and tapes for armouring of cables	1 TONNE	49000	40000	10.4	All	-	-	-	-	20 12 2016
277	-	-	2003	Galvanized Steel Sheets (Plain and Corrugated)	1 TONNE	47000	38000	4.5	All	-	-	-	-	20 12 2016
1783	2	-	2014	Drums, Large, Fixed Ends - Part 2 Grade B Drums	ONE DRUM	60000	48000	1.8	All	-	-	-	-	20 12 2016
4923	-	-	1997	Hollow steel sections for structural use	1 TONNE	74000	60000	8.7	All	-	-	-	-	20 12 2016
13997	-	-	2014	Drums, Large Open Top	1 DRUM	53000	43000	1.8	All	-	-	-	-	20 12 2016
210	-	-	2009	Grey Iron Castings	1 TONNE	49000	40000	72	All	-	-	-	-	20 12 2016
2062	-	-	2011	Hot Rolled Medium and High Tensile Structural Steel	1 TONNE	62000	50000	3	All	-	-	-	-	20 12 2016

2831	-	-	2012	Carbon Steel Cast Billet Ignots, Billets, Blooms and Slabs For Re-rolling into Low Tensile Structural Steel (Ordinary Quality)	1 TONNE	46000	37000	3	All	-	-	-	-	20 12 2016
2830	-	-	2012	Carbon steel cast billet ingots, billets, blooms and slabs for re-rolling into steel for general structural purposes	1 TONNE	49000	40000	3	All	-	-	-	-	20 12 2016
7887	-	-	1992	Mild steel wire rods for general engineering purposes	1 TONNE	66000	53000	3	All	-	-	-	-	20 12 2016
1538	-	-	1993	Cast iron fittings for pressure pipes for water, gas and sewage	1 TONNE	62000	50000	41.35	All	-	-	-	-	20 12 2016
1875	-	-	1992	Carbon steel billets, blooms, slabs and bars for forgings	1 TONNE	60000	48000	3.6	All	-	-	-	-	20 12 2016
9523	-	-	2000	Ductile Iron Fittings for Pressure Pipes for Water, Gas and Sewage	1 MT	79000	64000	43.9	All	-	-	-	-	20 12 2016
916	-	-	2000	Square Tins for Solid Products	100 TINS	58000	47000	8.7	All	-	-	-	-	20 12 2016
4270	-	-	2001	Steel Tubes Used for Water Wells	1 TONNE	71000	57000	8.7	All	-	-	-	-	20 12 2016
9295	-	-	1983	Steel tubes for idlers for belt conveyors	1 TONNE	61000	49000	8.7	All	-	-	-	-	20 12 2016
7903	-	-	2011	Textiles - Tarpaulines Made From High Density Polyethylene Woven Fabric	100 SQ METRE	99000	80000	7	All	-	-	-	-	20 12 2016
1422	-	-	1983	Cotton duck	100 SQ METRE	53000	43000	11.6	All	-	-	-	-	20 12 2016
15853	-	-	2009	TEXTILES – Polyester Blended Woven Suiting for Uniforms	100 SQ METRE	66000	53000	10.10	All	-	-	-	-	20 12 2016
2566	-	-	1993	Textiles - B-twill jute bags for packing food grains	1 TONNE	63000	51000	17.3	All	-	-	-	-	20 12 2016
12650	-	-	2003	Textiles - Jute Bags for Packing 50 kg Food grains	1 MT	59000	48000	17.3	All	-	-	-	-	20 12 2016
8391	-	-	1987	Rubberized Coil Sheets for Cushioning	1 TONNE	82000	66000	43.2	All	-	-	-	-	20 12 2016
758	-	-	1988	Handloom Cotton Gauze, Absorbent, Non-Sterilized	100 SQ METRE	47000	38000	12	All	-	-	-	-	20 12 2016
863	-	-	1988	Handloom Cotton Bandage Cloth, Non-Sterilized	100 SQ METRE	47000	38000	16	All	-	-	-	-	20 12 2016
175	-	-	1989	Sheeting, Tickings and Bed sheets	100 METRE S	87000	70000	14.5	All	-	-	-	-	20 12 2016
14928	-	-	2001	Textiles - Composite Synthetic Fibre Ropes	1 MT	47000	38000	300	All	-	-	-	-	20 12 2016
14929	-	-	2001	Textiles - High Strength Polyolefins Copolymer Ropes	1 MT	49000	40000	260	All	-	-	-	-	20 12 2016
2089	-	-	1977	Common proofed canvas/duck and paulins (tarpaulins)	100 SQ METRE	65000	52000	8.6	All	-	-	-	-	20 12 2016
5382	-	-	1985	Rubber Sealing Rings for Gas	1 PIECE	76000	61000	0.26	All	-	-	-	-	20 12 2016

				Mains, Water Mains and Sewers										
15559	-	-	2004	Polyester Strapping	100 KG	49000	40000	25	All	-	-	-	-	20 12 2016
8887	-	-	2004	Bitumen Emulsion for Roads (Cationic Type)	1 TONNE	94000	76000	49	All	-	-	-	-	20 12 2016
2396	-	-	1988	Rubber Hose for Fuel Dispensing	100 METRES	64000	52000	25.9	All	-	-	-	-	20 12 2016
245	-	-	1988	Trichloroethylene, Technical	1 TONNE	52000	42000	25.9	All	-	-	-	-	20 12 2016
15410	-	-	2003	Containers for Packaging of Natural Mineral Water and Packaged Drinking Water	100 PIECES	73000	59000	52	All	-	-	-	-	20 12 2016
7466	-	-	1994	Rubber gaskets for pressure cookers	100 Gaskets	74000	61000	1.75	All	-	-	-	-	20 12 2016
10908	-	-	1991	Flexible Rubber Tubing for Liquefied Petroleum Gas	100 METRE S	69000	56000	5.2	All	-	-	-	-	20 12 2016
1741	-	-	1960	Latex foam rubber products	1 TONNE	66000	51000	86	All	-	-	-	-	20 12 2016
4654	-	-	1993	Paraffin wax	1 TONNE	56000	45000	13.8	All	-	-	-	-	20 12 2016
702	-	-	1988	industrial bitumen	1 TONNE	63000	51000	17.5	All	-	-	-	-	20 12 2016
7933	-	-	1975	Flexible Polyurethane Foam for Domestic Mattresses	1 KG	93000	75000	0.54	All	-	-	-	-	20 12 2016
638	-	-	1979	Sheet Rubber Jointing and Rubber Insertion Jointing	1 TONNE	64000	52000	200	All	-	-	-	-	20 12 2016
3549	-	-	1983	Water Suction and Discharge Hose of Rubber, Heavy Duty ( Covers IS 2410 : 1963 Also )	100 METRE S	89000	72000	161.8	All	-	-	-	-	20 12 2016
5430	-	-	1981	Ammonia Preserved Concentrated Natural Rubber Latex	1 TONNE (DRC Basis)	57000	46000	51.8	All	-	-	-	-	20 12 2016
8654	-	-	2001	Automotive Hydraulic Brake Fluid, Heavy Duty	1 KILO LITRE	95000	76000	86	All	-	-	-	-	20 12 2016
1007	-	-	1984	Custard Powder	1 KG	50000	40000	0.18	All	-	-	-	-	20 12 2016
1008	-	-	2004	Sugar Boiled Confectionery	1 KG	56000	45000	0.18	All	-	-	-	-	20 12 2016
1011	-	-	2002	Biscuits	1 TONNE	51000	41000	8.7	All	-	-	-	-	20 12 2016
1051	-	-	1980	Pyrethrum Extracts	100 LITRES	61000	49000	34.5	All	-	-	-	-	20 12 2016
1159	-	-	1981	Baking Powder	1 KG	46000	37000	0.1	All	-	-	-	-	20 12 2016
1165	-	-	2002	Milk Powder	1 TONNE	80000	64000	40	All	-	-	-	-	20 12 2016
1251	-	-	1988	Zinc Phosphide,	1	47000	38000	97.95	All	-	-	-	-	20 12 2016

				Technical	TONNE									
1319	-	-	1983	Edible Tapioca Starch	1 TONNE	64000	52000	24	All	-	-	-	-	20 12 2016
1488	-	-	1989	Pesticides - 2, 4-D Sodium Salt, Technical	1 TONNE	57000	46000	285	All	-	-	-	-	20 12 2016
1507	-	-	1977	Specification for Copper Oxychloride Water Dispersible Powder Concentrates	1 TONNE	49000	40000	196	All	-	-	-	-	20 12 2016
1656	-	-	2007	Milk-Cereal Based Complementary foods	1 TONNE	133000	107000	172.8	All	-	-	-	-	20 12 2016
1664	-	-	2002	Mineral Mixtures for Supplementing Cattle Feeds	1 TONNE	84000	68000	58.3	All	-	-	-	-	20 12 2016
1694	-	-	1994	Tartrazine, Food Grade	1 KG	63000	51000	1.6	All	-	-	-	-	20 12 2016
1698	-	-	1994	Indigo Carmine, Food Grade	1 KG	62000	50000	1.3	All	-	-	-	-	20 12 2016
1806	-	-	1975	Malted Milk Foods	1 TONNE	56000	45000	34.5	All	-	-	-	-	20 12 2016
1824	-	-	1978	Specification for Insecticidal Space Spray	100 LITRES	90000	72000	34.5	All	-	-	-	-	20 12 2016
1825	-	-	1983	Specification for Aluminium Alloy Milk Cans	1 CAN	62000	50000	2.1	All	-	-	-	-	20 12 2016
1832	-	-	1978	Specification for Malathion, Technical	1 TONNE	55000	44000	86.4	All	-	-	-	-	20 12 2016
1932	-	-	1986	Mustard and Rape Seed Oilcake as Livestock Feed Ingredient	1 TONNE	69000	56000	16	All	-	-	-	-	20 12 2016
2358	-	-	1984	Formulations Based on Stabilized Methoxy Ethyl Mercury Chloride (MEMC) Concentrate	1 TONNE	46000	37000	255.6	All	-	-	-	-	20 12 2016
2404	-	-	1993	Malt Extract	1 TONNE	64000	52000	20.7	All	-	-	-	-	20 12 2016
2558	-	-	1994	Ponceau 4R, Food Grade	1 KG	65000	50000	1.3	All	-	-	-	-	20 12 2016
2567	-	-	1978	Specification for Malathion Emulsifiable Concentrates	100 LITRES	52000	42000	34.5	All	-	-	-	-	20 12 2016
2568	-	-	1978	Specification for Malathion Dusting Powders	1 TONNE	51000	41000	60	All	-	-	-	-	20 12 2016
2569	-	-	1978	Specificaion for Malathion Water Dispersible Powder Concentrates	1 TONNE	64000	52000	160	All	-	-	-	-	20 12 2016
2785	-	-	1979	Natural Cheese (Hard Variety), Processed Cheese, Processed Cheese	1 TONNE	50000	40000	34.5	All	-	-	-	-	20 12 2016

				Spread and Soft Cheese										
2923	-	-	1995	Carmoisine, Food Grade	1 KG	65000	52000	1.45	All	-	-	-	-	20 12 2016
3383	-	-	1982	Wettable Sulphur Powder	1 TONNE	54000	44000	45	All	-	-	-	-	20 12 2016
3899	-	-	1981	Specificaion for Zineb Water Dispersible Powders	1 TONNE	58000	47000	193.35	All	-	-	-	-	20 12 2016
3902	-	-	1975	Dimethoate, Technical	1 TONNE	58000	47000	172.8	All	-	-	-	-	20 12 2016
3903	-	-	1984	Dimethoate Emulsifiable Concentrates	100 LITRES.	51000	41000	34.5	All	-	-	-	-	20 12 2016
3906	-	-	1995	Crop Protection Equipment - Hand-operated Knapsack Sprayer, Piston Type	1 Sprayer	53000	43000	3.45	All	-	-	-	-	20 12 2016
4320	-	-	1982	Thiram, Technical	1 TONNE	48000	39000	250	All	-	-	-	-	20 12 2016
4467	-	-	1996	Caramel	1 KG	75000	60000	0.2	All	-	-	-	-	20 12 2016
4766	-	-	1982	Thiram Water Dispersible Powders	1 TONNE	54000	44000	270	All	-	-	-	-	20 12 2016
5191	-	-	1993	Sodium Alginate, Food Grade	1 KG	88000	71000	0.42	All	-	-	-	-	20 12 2016
5277	-	-	1978	Dichlorvos Emulsifiable Concentrates	100 LITRES	54000	44000	34.5	All	-	-	-	-	20 12 2016
5278	-	-	1969	Dicofol, Technical	1 TONNE	46000	37000	306.7	All	-	-	-	-	20 12 2016
5279	-	-	1969	Dicofol Emulsifiable Concentrates	100 LITRES	49000	40000	34.5	All	-	-	-	-	20 12 2016
5342	-	-	1996	Ascorbic Acid, Food Grade	1 KG	65000	52000	1.4	All	-	-	-	-	20 12 2016
5346	-	-	1994	Synthetic Food Colour - Preparations and Mixtures	1 Kg (For powder), 1 Kg (For Liquid)	54000	44000	0.45	All	-	-	-	-	20 12 2016
5719	-	-	2005	Gelatin, Food Grade	1 KG	68000	55000	0.2	All	-	-	-	-	20 12 2016
6046	-	-	1982	Gypsum for Agricultural Use	1 M.T	53000	43000	2	All	-	-	-	-	20 12 2016
6385	-	-	1997	Saccharin, Food Grade	1 KG	71000	57000	3.2	All	-	-	-	-	20 12 2016
6438	-	-	1980	Aluminium Phosphide Formulations	1 TONNE	46000	37000	69.1	All	-	-	-	-	20 12 2016
6444	-	-	1979	Sulphur Dusting Powders	1 TONNE	46000	37000	19	All	-	-	-	-	20 12 2016
7021	-	-	1973	Protein-Rich Food Supplements for Infants and Preschool Children	1 TONNE	80000	64000	20	All	-	-	-	-	20 12 2016
7948	-	-	1987	Fenthion EC	100 LITRES	47000	38000	200	All	-	-	-	-	20 12 2016

8025	-	-	1990	Monocrotophos, Technical	1 TONNE	48000	39000	34.5	All	-	-	-	-	20 12 2016
8028	-	-	1987	Quinalphos EC	100 LITRES.	48000	39000	34.5	All	-	-	-	-	20 12 2016
8074	-	-	1990	Monocrotophos SI	100 LITRES.	49000	40000	34.5	All	-	-	-	-	20 12 2016
8249	-	-	1994	Zinc sulphate heptahydrate, agricultural grade	1 TONNE	54000	44000	17.3	All	-	-	-	-	20 12 2016
8291	-	-	1976	Phenthoate Emulsifiable Concentrates	100 Litre	47000	38000	34.5	All	-	-	-	-	20 12 2016
8446	-	-	1991	Pesticide - Carbendazim (MBC) WP	1 TONNE	57000	46000	285	All	-	-	-	-	20 12 2016
8498	-	-	2013	Temephos Emulsifiable Concentrates (EC)	100 LITRES	48000	39000	38.40	All	-	-	-	-	20 12 2016
8707	-	-	2013	Mancozeb, Technical - Specification	1 TONNE	48000	39000	156	All	-	-	-	-	20 12 2016
8708	-	-	2006	Mancozeb Wettable powder	1 TONNE	53000	43000	265	All	-	-	-	-	20 12 2016
8944	-	-	2005	Chlorpyrifos Emulsifiable Concentrates	100 LITRES	52000	42000	40	All	-	-	-	-	20 12 2016
8960	-	-	1978	Methyl Parathion Dusting Powders	1 TONNE	50000	40000	50	All	-	-	-	-	20 12 2016
9354	-	-	1980	Alachlor emulsifiable concentrates	100 LITRES	52000	42000	34.5	All	-	-	-	-	20 12 2016
9356	-	-	1980	Butachlor Emulsifiable Concentrates	100 LITRES	52000	42000	38	All	-	-	-	-	20 12 2016
9359	-	-	1995	Pesticide - Phorate G Encapsulated	1 TONNE	53000	43000	90	All	-	-	-	-	20 12 2016
9360	-	-	1980	Carbofuran Granules, Encapsulated	1 TONNE	66000	53000	86.4	All	-	-	-	-	20 12 2016
9532	-	-	1980	CHAKKA and SHRIKHAND	1 TONNE	51000	41000	17.2	All	-	-	-	-	20 12 2016
9585	-	-	1980	Lactometers	1 PIECE	47000	38000	0.16	All	-	-	-	-	20 12 2016
9665	-	-	1981	Propoxur Emulsifiable Concentrates	100 LITRES	59000	48000	118	All	-	-	-	-	20 12 2016
10243	-	-	1993	2, 4-D Ethyl Ester EC	100 LITRES	49000	40000	34.5	All	-	-	-	-	20 12 2016
11010	-	-	1984	Ziram Colloidal Suspension	100 LITRES	52000	42000	34.5	All	-	-	-	-	20 12 2016
11536	-	-	2007	Processed -cereal based complementary foods	1 TONNE	155000	124000	172.8	All	-	-	-	-	20 12 2016
11785	-	-	1986	Captan (Wettable Powder) WP	1 TONNE	52000	42000	300	All	-	-	-	-	20 12 2016
11995	-	-	1987	Isoproturon, WP	1 TONNE	53000	43000	345	All	-	-	-	-	20 12 2016

11997	-	-	1987	Fenvalerate EC	100 LITRES	58000	47000	56	All	-	-	-	-	20 12 2016
12016	-	-	1987	Cypermethrin EC	100 LITRES	48000	39000	69.1	All	-	-	-	-	20 12 2016
12337	-	-	1988	Manually Operated Fertilizer Broadcaster	1 Broad-caster	46000	37000	1.38	All	-	-	-	-	20 12 2016
12751	-	-	1989	Pesticides - Pendimethalin EC	100 LITRES	59000	48000	70	All	-	-	-	-	20 12 2016
12786	-	-	1989	Irrigation Equipment - Polyethylene Pipes for Irrigation Laterals	1 KG	89000	72000	0.1	All	-	-	-	-	20 12 2016
12912	-	-	1990	Bromadiolone RB	1 TONNE	49000	40000	449.28	All	-	-	-	-	20 12 2016
12916	-	-	1990	Acephate SP	1 TONNE	46000	37000	728.2	All	-	-	-	-	20 12 2016
12931	-	-	1990	Atrazine WP	100 KG	53000	43000	43.2	All	-	-	-	-	20 12 2016
13428	-	-	2005	Packaged Natural Mineral Water	1000 LITRES	125000	100000	20	6000	15	4000	10	R e m a i n i n g	20 12 2016
13457	-	-	1992	Pesticide - Deltamethrin WP	1 MT	58000	47000	1,124.00	All	-	-	-	-	20 12 2016
13487	-	-	1992	Irrigation Equipment - Emitters	1000 Emitters	55000	44000	8.6	All	-	-	-	-	20 12 2016
13785	-	-	1993	Pesticide - Dodine WP	1 KG	55000	44000	2.6	All	-	-	-	-	20 12 2016
14151 (P-1 )	-	-	1999	Irrigation Equipment - Sprinkler Pipes - Part 1 : Polyethylene Pipes	1 KG	108000	87000	0.18	All	-	-	-	-	20 12 2016
14158	-	-	1994	Cyfluthrin WP	100 KG	63000	51000	414.7	All	-	-	-	-	20 12 2016
14183	-	-	1994	Pesticide - Cartap Hydrochloride SP	1 TONNE	53000	43000	792	All	-	-	-	-	20 12 2016
14411	-	-	1996	Deltamethrin F	100 LITRES	48000	39000	62.4	All	-	-	-	-	20 12 2016
14510	-	-	1997	Lambda-cyhalothrin WP	1 Kg	52000	42000	6	All	-	-	-	-	20 12 2016
14543	-	-	2004	Packaged Drinking Water (Other than Packaged Natural Mineral Water)	1000 LITRES	128000	102400	20	6000	15	4000	10	R e m a i n i n g	20 12 2016
14552	-	-	1998	Thiophanate Methyl, WP	1 KG	53000	43000	1.35	All	-	-	-	-	20 12 2016
14724	-	-	1999	Water Purifiers with Ultra-violet Disinfection	1 PIECE	87000	70000	9.6	All	-	-	-	-	20 12 2016
14743	-	-	1999	Irrigation Equipment - Hydrocyclone	1 Filter	68000	55000	8	All	-	-	-	-	20 12 2016

				Filters										
15160	-	-	2002	Pretilachlor Emulsifiable Concentrate	100 LITRES	47000	38000	22	2000	11	Rema ining	-	-	20 12 2016
15182	-	-	2002	Propiconazole E.C.	100 LITRES	49000	40000	130.0	All	-	-	-	-	20 12 2016
15219	-	-	2002	Aluminium Phosphide Powder Formulation	1 Kg	46000	37000	1.1	All	-	-	-	-	20 12 2016
15227	-	-	2002	Deltamethrin ULV	100 LITRES	47000	38000	115	All	-	-	-	-	20 12 2016
15236	-	-	2002	Profenofos + Cypermethrin Emulsifiable Concentrate	100 LITRES	57000	46000	124.2	All	-	-	-	-	20 12 2016
15335	-	-	2003	Imidacloprid SL	100 LITRES	52000	42000	55.00	All	-	-	-	-	20 12 2016
15603	-	-	2005	Alphacypermethrin. WP	1 MT	68000	55000	170	All	-	-	-	-	20 12 2016
15757	-	-	2007	Follow-up formula - Complementary foods	1 MT	154000	124000	245	250	123	250	62	R e m a i n i n g	20 12 2016
15939	-	-	2011	Pesticide - Bifenthrin Wettable Powder	1 Kg	63000	51000	0.9	All	-	-	-	-	20 12 2016

[Ref. : CMD-2/G-18]

A. K. SHARMA, Sc. F &amp; DDG (Certification)

## इलेक्ट्रॉनिकी और सूचना प्रौद्योगिकी मंत्रालय

नई दिल्ली, 9 दिसम्बर, 2016

**का.आ. 2451.**—केन्द्रीय सरकार, एतद्वारा राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, इलेक्ट्रॉनिकी और सूचना प्रौद्योगिकी मंत्रालय की आईआईटी कैम्पस, पवई, मुंबई स्थित स्वायत्त संस्था, प्रायोगिक सूक्ष्मतरंग इलेक्ट्रॉनिक्स अभियांत्रिकी तथा अनुसंधान संस्था (समीर), जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[सं. 7(2)/2005-हि.अ.]

राजीव कुमार, संयुक्त सचिव

## MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY

New Delhi, the 9th December, 2016

**S.O. 2451.**—In pursuance of Sub-rule (4) of the Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies Society for Applied Microwave Electronics Engineering and Research (SAMEER), an autonomous society of Ministry of Electronics and Information Technology, located at IIT Campus, Powai Mumbai, whose more than 80% staff have acquired the working knowledge of Hindi.

[No. 7(2)/2005-H.S.]

RAJIV KUMAR, Jt. Secy.



**श्रम एवं रोजगार मंत्रालय**

नई दिल्ली, 19 दिसम्बर, 2016

**का.आ. 2452.**—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91-क के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए **आई.आई.एस.सी.ओ.स्टील प्लांट, बर्नपुर** के कारखानों/स्थापनाओं के नियमित कर्मचारियों को इस अधिनियम के प्रवर्तन से छूट प्रदान करती है। यह छूट अधिसूचना जारी होने की तिथि से एक वर्ष की अवधि के लिए प्रभावी रहेगी।

2. उक्त छूट निम्नलिखित शर्तों के अधीन है; अर्थात्:—

- (1) पूर्वोक्त स्थापना जिसमें कर्मचारी नियोजित हैं, एक रजिस्टर रखेगी, जिसमें छूट प्राप्त कर्मचारियों के नाम और पदनाम दिखाये जायेंगे;
- (2) इस छूट के होते हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रसुविधाएं प्राप्त करते रहेंगे जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की तारीख से पूर्व संदत्त अंशदानों के आधार पर हकदार हो जाते हैं;
- (3) छूट प्राप्त अवधि के लिए, यदि कोई अभिदाय पहले ही किए जा चुके हों, तो वे वापस नहीं किए जाएंगे;
- (4) उक्त कारखाने/स्थापना का नियोजक उस अवधि की बाबत जिसके दौरान उस कारखाने/स्थापना पर उक्त अधिनियम (जिसे इसमें इसके पश्चात उक्त अवधि कहा गया है) प्रवर्तमान था ऐसी विवरणियां, ऐसे प्रारूप में और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी अपेक्षित होती थीं;
- (5) निगम द्वारा उक्त कर्मचारी राज्य बीमा अधिनियम की धारा 45 की उप-धारा (1) के अधीन नियुक्त किया गया कोई सामाजिक सुरक्षा अधिकारी या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी;
  - (i) धारा 44 की उप-धारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरण की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ; अथवा
  - (ii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गये थे या नहीं; या
  - (iii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिये गए उन फायदों को, जिसके फलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं; या
  - (iv) यह अभिनिश्चित करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबंध प्रवृत्त थे, ऐसे किन्हीं उपबंधों का अनुपालन किया गया था या नहीं, निम्नलिखित कार्य करने के लिए सशक्त होगा :—
    - (क) प्रधान या आसन्न नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है; अथवा
    - (ख) ऐसे प्रधान या आसन्न नियोजक के अधिभोगाधीन, किसी कारखाने, स्थापना, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संदाय से संबंधित ऐसे लेखा, बहियां और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें या ऐसी जानकारी दें जिसे वे आवश्यक समझते हैं; या
    - (ग) प्रधान या आसन्न नियोजक की, उसके अभिकर्ता या सेवक की, या ऐसे किसी व्यक्ति को, जो ऐसे कारखाने, स्थापना, कार्यालय या अन्य परिसर में पाया जाए, यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या
    - (घ) ऐसे कारखाने, स्थापना, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखा, बही या अन्य दस्तावेज की नकल तैयार करना या उद्धरण लेना;

(ड) यथानिर्धारित अन्य शक्तियों का प्रयोग करना ।

6. विनिवेश/निगमीकरण के मामले में, प्रदत्त छूट स्वतः रद्द हो जाएगी और तब नए प्रतिष्ठान को छूट हेतु समुचित सरकार की अनुमति लेनी होगी।

[सं. एस-38014/27/2013-एसएस-1]

अजय मलिक, अवर सचिव

## MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 19th December, 2016

**S.O. 2452.**—In exercise of the power conferred by Section 88 read with Section 91-A of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the regular employees of factories/establishments of **IISCO Steel Plant, Burnpur** from the operation of the said Act. The exemption shall be effective from the date of issue of notification for a period of one year.

2. The above exemption is subject to the following conditions namely:—

- (1) The aforesaid establishments wherein the employees are employed shall maintain a register showing the name and designations of the exempted employees';
- (2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;
- (3) The contributions for the exempted period, if already paid, shall not be refundable;
- (4) The employer of the said factory/establishment shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred as the said period), such returns in such forms and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (5) Any Social Security Officer appointed by the Corporation under Sub-Section (1) of Section 45 of the said ESI Act or other official of the Corporation authorized in this behalf by it, shall, for the purpose of :—
  - (i) Verifying the particulars contained in any returned submitted under sub-section (1) of section 44 for the said period; or
  - (ii) Ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
  - (iii) Ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
  - (iv) Ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory to be empowered to:
    - (a) require the principal or immediate employer to him such information as he may consider necessary for the purpose of this Act; or
    - (b) at any reasonable time enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine accounts, books and other documents relating to the employment of personal and payment of wages or to furnish to him such information as he may consider necessary; or
    - (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee ; or
    - (d) make copies of or take extracts from any register, account book or other document maintained in such factory, establishment, office or other premises,
    - (e) exercise such other powers as may be prescribed.

- (6) In case of disinvestment/corporatization, the exemption granted shall become automatically cancelled and then the new entity will have to approach the appropriate Government for exemption.

[No. S-38014/27/2013-SS-I]

AJAY MALIK, Under Secy.

नई दिल्ली, 22 दिसम्बर, 2016

**का.आ. 2453.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एससीसीएल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 53/2010) को प्रकाशित करती है जो केन्द्रीय सरकार को 22.12.2016 को प्राप्त हुआ था।

[सं. एल-22013/1/2016-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 22nd December, 2016

**S.O. 2453.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 53/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of M/s. Singareni Collieries Co. Ltd. and their workmen, received by the Central Government on 22.12.2016.

[No. L-22013/1/2016-IR (CM-II)]

RAJENDER SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

**Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated : the 28<sup>th</sup> day of October, 2016

#### INDUSTRIAL DISPUTE L.C. No. 53/2010

#### Between :

Sri D. Kiran Kumar,  
S/o B. Bheemaiah,  
C/o Smt. A. Sarojana,  
Advocate, Flat No.G7,  
Rajeshwari Gayatri Sadan,  
Opp: Badruka Jr. College for Girls,  
Kachiguda, Hyderabad

...Petitioner

#### AND

1. The General Manager,  
M/s. Singareni Collieries Company Ltd.,  
Bellampally Area, Bellampally,  
Adilabad District.
2. The Superintendent of Mines,  
Goleti-I Incline,  
M/s. Singareni Collieries Company Ltd.,  
Bellampally, Adilabad District

...Respondents

#### Appearances :

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates

For the Respondent : M/s. P.A.V.V.S. Sarma & Vijaya Laxmi Panguluri, Advocates

### AWARD

Sri D. Kiran Kumar who worked as Coal filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring the proceeding No. BPA/PER/129/1830 dated 26/27.5.2008 issued by Respondent No.1 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

**2. The averments made in the petition in brief are as follows:**

The Petitioner was appointed as badli filler in April, 2006 and he was regular to his duties till the year 1996. But during the year 2007, Petitioner's brother and grandfather suffered ill-health and the Petitioner went to look after them, and his grandfather passed away. While the matter stood thus, charge sheet dated 9.2.2008 was issued by the Respondents alleging that the Petitioner absented for duty during the year 2007, which amounts to misconduct under company's Standing Order No. 25.25. Subsequently, one inquiry was conducted and during the time of the enquiry, the Petitioner was not given any opportunity much less valid in nature to put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved and basing on the erroneous findings of the Enquiry Officer, the Petitioner was dismissed from service vide order No. BPA/PER/129/1830 dated 26/27.5.2008. It is stated that during the course of the enquiry the Petitioner has categorically stated that his inability to perform his duties regularly during the year 2007 was only on account of his brother and grand father's ill-health and other personal problems. But without considering any of his submissions, the Petitioner was dismissed from service. It is also stated that the action of the Respondents management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Petitioner has rendered several years of continuous service in the Respondents' management. The Petitioner approached the Respondents to consider his case sympathetically, but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order No. BPA/PER/129/1830 dated 26/27.5.2008 issued by the Respondents is illegal and arbitrary and to set aside the same and consequently to direct the Respondents to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc.

**3. The Respondents filed counter denying the averments made in the petition, with averments in brief as follows:**

In the counter the Respondents while admitting some of the factual aspects to be true, stated that the Petitioner was appointed in the Respondent's company on 17.4.2006 as Badli Filler. He was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner has attended the enquiry fixed and had fully participated in the enquiry. He was given full, fair and reasonable opportunity to defend himself in the enquiry. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show-cause notice giving him an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondent was constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show-cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition is liable to be dismissed in limini.

4. The domestic enquiry conducted in the present case is held as legal and valid vide order dated 13.1.2014.

5. Both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

**6. In view of the above facts, the points for determination are:**

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri D. Kiran Kumar is legal and justified?
- II. Whether the Petitioner is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

7. **Point No. I :** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to illness, the Petitioner could not be able to attend his duty sincerely. It is also contended that the

Petitioner's Brother and Grand Father fell ill and in the process of taking care of them, the Petitioner could not be able to attend his duties regularly. Even in his show cause the Petitioner has mentioned the above fact but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Petitioner. When the Petitioner has taken a stand that due to illness of his brother and Grand Father he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing punishment. But, the authority has given capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondents submitted that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondents' company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated in service.

9. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, due to illness of his brother and grand father, the Petitioner could not be able to be regular in his duty, the Petitioner has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Petitioner were proved. For this, capital punishment was imposed. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 23 years, he is now aged about 29 years and is searching ways and means to provide bread and butter to his family members. When the Petitioner being a young and energetic man has already realised his mistake and is coming forward to work, atleast one chance should be given to him for reinstatement into service. While imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondents for dismissal of service is too harsh. Therefore, it can safely be stated that the action taken by the management in imposing the punishment of dismissal from service to Sri D. Kiran Kumar is not legal and justified.

Thus, Point No.I is answered accordingly.

10. **Point Nos. II & III**: In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri D. Kiran Kumar is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Petitioner has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondent's management. But in this case, the Petitioner has not come to the court soon after his dismissal of service. In the opinion of this Tribunal the Petitioner is not entitled to get all the relief as claimed in his claim petition. But he is entitled to be given a chance to work in the Respondents' management.

Thus, Point Nos. II & III are answered accordingly.

### ORDER

It is ordered that the workman Sri D. Kiran Kumar be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain minimum mandatory 20 musters every month or 190 days in a year and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will not be terminated and he will be cautioned to improve his performance by issuing him a warning letter. However, in the event of any shortfall of attendance during one year of service of the workman he will be terminated from service without any further notice and enquiry. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 28<sup>th</sup> day of October, 2016.

MURALIDHAR PRADHAN, Presiding Officer

**Appendix of evidence**

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 22 दिसम्बर, 2016

**का.आ. 2454.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एससीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 41/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22.12.2016 को प्राप्त हुआ था।

[सं. एल-22013/1/2016-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 22nd December, 2016

**S.O. 2454.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 41/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of M/s. Singareni Collieries Co. Ltd. and their workmen, received by the Central Government on 22.12.2016.

[No. L-22013/1/2016-IR (CM-II)]

RAJENDER SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD****Present :** Sri Muralidhar Pradhan, Presiding OfficerDated the 26<sup>th</sup> day of October, 2016**INDUSTRIAL DISPUTE L.C. No. 41/2008****Between :**

Sri Pulipaka Chandrasekhar,  
S/o Posham,  
C/o Smt. A. Sarojana, Advocate,  
Flat No.G7, Ground Floor,  
Rajeshwari Gayatri Sadan,  
Opp: Badruka Jr. College for Girls,  
Kachiguda, Hyderabad

...Petitioner

**AND**

1. The General Manager,  
M/s. Singareni Collieries Company Ltd.,  
Srirampur,  
Adilabad District.
2. The Superintendent of Mines,  
M/s. Singareni Collieries Company Ltd.,  
IK-1A Incline, IK & CHNR Mines  
Srirampur, Adilabad District

...Respondents

**Appearances :**

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates  
For the Respondent : M/s. P.A.V.V.S. Sarma & Vijaya Laxmi Panguluri, Advocates

**AWARD**

Sri Pulipaka Chandrasekhar, who worked as Badli filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring proceeding No. SRP/PER/13.008/5104 dated 15.10.2007 issued by Respondent No.1 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

**2. The averments made in the petition in brief are as follows:**

The Petitioner was appointed as badli filler during the month of November, 2002. From the date of his appointment the Petitioner was regular to his duties till the year 2005. It is submitted that previously the Petitioner met with road accident, for which his left clavicle bone had fractured. But during the year 2006 due to enormous pain of his left clavicle bone, he remained absent. While the matter stood thus, one charge sheet dated 20.2.2007 was issued by the Respondents alleging that the Petitioner absented for duty during the year 2006, which amounts to misconduct under company's Standing Order No.25.25. Subsequently, one inquiry was conducted and during the time of the enquiry, the Petitioner was not given any opportunity much less valid in nature to put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved and basing on the erroneous findings of the Enquiry Officer, the Petitioner was dismissed from service w.e.f. 25.10.2007 vide order No. SRP/PER/13.008/5104 dated 15.10.2007. It is stated that during the course of the enquiry the Petitioner has categorically stated that his inability to perform his duties regularly during the year 2006 was only on account of his ill-health and other family problems. But without considering any of his submissions, the Petitioner was dismissed from service. It is also stated that the action of the Respondents management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of principles of natural justice. The Petitioner has rendered 4 years of continuous service in the Respondents' management. The Petitioner approached the Respondents to consider his case sympathetically but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order No. SRP/PER/13.008/5104 dated 15.10.2007 issued by the Respondents is illegal and arbitrary and to set aside the same and consequently to direct the Respondents to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc..

**3. The Respondents filed counter denying the averments made in the petition, with averments in brief as follows:**

In the counter the Respondents while admitting some of the factual aspects to be true, stated that the Petitioner was appointed in the Respondent's company on 7.11.2002. He was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner has attended the enquiry fixed and had fully participated in the enquiry. He was given full, fair and reasonable opportunity to defend himself in the enquiry. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show cause notice giving an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondent was constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition be dismissed in limini.

4. In view of the memo filed by the Learned Counsel for the Petitioner admitting the validity of the domestic enquiry as valid and legal, the domestic enquiry conducted in the present case is held as legal and valid vide order dated 21.6.2010.

5. Both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

6. **In view of the above facts, the points for determination are:**

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Pulipaka Chandrasekhar is legal and justified?
- II. Whether the Petitioner is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

7. **Point No.I:** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to illness, the Petitioner could not be able to attend his duty sincerely. It is also contended that the Petitioner met with a road accident resulting fracture of left clavicle bone and the same was given immense pain for which he could not be able to attend his duties regularly. Even in his show cause the Petitioner has mentioned the fact of his illness, but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Petitioner. When the Petitioner has taken a stand that due to illness he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing punishment. But, without considering any aspect the authority has given capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondents submitted that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondents' company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated into service.

9. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, due to illness the Petitioner could not be able to be regular in his duty. In fact, due to illness the Petitioner has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Petitioner were proved. For this, capital punishment was imposed. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 25 years, he is now aged about 33 years and is searching ways and means to provide bread and butter to his family members. When the Petitioner has already realised his mistake and is coming forward to work, one chance should be given to him for reinstatement into service. While imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondents for dismissal of service is too harsh. Therefore, it can safely be stated that the action of the management in imposing the punishment of dismissal from service to Sri Pulipaka Chandrasekhar is not legal and justified.

Thus, Point No.I is answered accordingly.

10. **Point Nos. II & III:** In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri Pulipaka Chandrasekhar is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Petitioner has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondent's management. But in this case, the Petitioner has not come to the court soon after his dismissal of service. In such a circumstances, in the opinion of this Tribunal the Petitioner is not entitled to get all the relief claimed in his claim petition. But he is entitled to be given a chance to work in the Respondents' management.

Thus, Point Nos. II & III are answered accordingly.

### **ORDER**

It is ordered that the workman Sri Pulipaka Chandrasekhar be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain minimum mandatory 20 musters every month and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will be terminated without any further notice and enquiry. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.



Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 26<sup>th</sup> day of October, 2016.

MURALIDHAR PRADHAN, Presiding Officer

**Appendix of evidence**

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 22 दिसम्बर, 2016

**का.आ. 2455.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एससीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 2/2008) को प्रकाशित करती है जो केन्द्रीय सरकार को 22.12.2016 को प्राप्त हुआ था।

[सं. एल-22013/1/2016-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 22nd December, 2016

**S.O. 2455.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 2/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of M/s. Singareni Collieries Co. Ltd. and their workmen, received by the Central Government on 22.12.2016.

[No. L-22013/1/2016-IR (CM-II)]

RAJENDER SINGH, Section Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD**

**Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated the 26<sup>th</sup> day of October, 2016

**INDUSTRIAL DISPUTE L.C. No. 2/2008**

**Between :**

Sri Geesa Rayalingu,  
S/o Narasaiah,  
C/o Smt. A. Sarojana, Advocate,  
Flat No.G7, Ground Floor,  
Rajeshwari Gayatri Sadan,  
Opp: Badruka Jr. College for Girls,  
Kachiguda, Hyderabad

...Petitioner

**AND**

1. The General Manager,  
M/s. Singareni Collieries Company Ltd.,  
Mandamarri Area, Mandamarri,  
Adilabad District.

2. The Superintendent of Mines,  
M/s. Singareni Collieries Company Ltd.,  
KK-5A Incline, Mandamarri,  
Adilabad District

...Respondents

**Appearances :**

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates  
For the Respondent : Sri M.V. Hanumantha Rao, Advocate

**AWARD**

Sri Geesa Rayalingu, who worked as Badli filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring proceeding No.P/MM/7/2/00/3531 dated 16.8.2000 issued by Respondent No.1 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

**2. The averments made in the petition in brief are as follows:**

The Petitioner was appointed as badli filler in the year 1987 and later he was confirmed as Coal Filler. The Petitioner could not be regular to his duties during the year 1999, as he suffered from illness and other family problems. While the matter stood thus, one charge sheet dated 31.1.2000 was issued by the Respondents alleging that the Petitioner absented for duty during the year 1999, which amounts to misconduct under company's Standing Order No.25.25. Subsequently, one inquiry was conducted and during the course of enquiry, the Petitioner was not given any opportunity much less valid in nature to put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved and basing on the erroneous findings of the Enquiry Officer, the Petitioner was dismissed from service w.e.f. 23.8.2000 vide order No. P/MM/7/2/00/3531 dated 16.8.2000. It is stated that during the course of the enquiry the Petitioner has categorically stated that his inability to perform his duties regularly during the year 1999 was only on account of his ill-health and other family problems. But without considering any of his submissions, the Petitioner was dismissed from service. It is also stated that the action of the Respondents management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of principles of natural justice. The Petitioner has rendered 12 years of continuous service in the Respondents' management. The Petitioner approached the Respondents to consider his case sympathetically but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order No. P/MM/7/2/00/3531 dated 16.8.2000 issued by the Respondents is illegal and arbitrary and to set aside the same and consequently to direct the Respondents to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc..

**3. The Respondents filed counter denying the averments made in the petition, with averments in brief as follows:**

In the counter the Respondents while admitting some of the factual aspects to be true, stated that the Petitioner was appointed in the Respondent's company on 12.5.1987. He was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner has attended the enquiry on the date fixed and had fully participated in the enquiry. He was given full, fair and reasonable opportunity to defend himself in the enquiry. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show cause notice giving an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondent was constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition be dismissed in limini.

4. In view of the memo filed by the Learned Counsel for the Petitioner admitting the domestic enquiry legal and valid, the domestic enquiry conducted in the present case is held as legal and valid vide order dated 4.2.2009.

5. Both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

6. **In view of the above facts, the points for determination are:**

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Geesa Rayalingu is legal and justified?
- II. Whether the Petitioner is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

7. **Point No.I:** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to illness, the Petitioner could not be able to attend his duty sincerely. It is also contended that the Petitioner fell ill and due to his ill-health he could not be able to attend his duties regularly. Even in his show cause the Petitioner has mentioned the fact of his illness but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Petitioner. When the Petitioner has taken a stand that due to illness he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing punishment. But, the authority has given capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondents submitted that when the Petitioner was a chronic absentee and was found guilty of the charges levelled against him, the punishment imposed by the Respondents' company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated in service.

9. Admittedly, working in the Mines is hazardous, and remaining absent is not unusual. In this case, due to illness the Petitioner could not be able to be regular in his duty. In fact, due to illness the Petitioner has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Petitioner were proved. For this, capital punishment was imposed. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 40 years, he is now aged about 50 years and is searching ways and means to provide bread and butter to his family members. When the Petitioner has already realised his mistake and is coming forward to work, one chance should be given to him for reinstatement into service. While imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondents for dismissal of service is too harsh. Therefore, it can safely be stated that the action of the management in imposing the punishment of dismissal from service to Sri Geesa Rayalingu is not legal and justified.

Thus, Point No.I is answered accordingly.

10. **Point Nos. II & III:** In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri Geesa Rayalingu is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Petitioner has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondent's management. But in this case, the Petitioner has not come to the court soon after his dismissal of service. In such a circumstances, in the opinion of this Tribunal the Petitioner is not entitled to get all the relief claimed in his claim petition. But he is entitled to be given a chance to work in the Respondents' management.

Thus, Point Nos. II & III are answered accordingly.

### **ORDER**

It is ordered that the workman Sri Geesa Rayalingu be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain minimum mandatory 20 musters every month and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will be terminated without any further notice and enquiry. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's

hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 26<sup>th</sup> day of October, 2016.

MURALIDHAR PRADHAN, Presiding Officer

#### Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

#### Documents marked for the Petitioner

NIL

#### Documents marked for the Respondent

NIL

नई दिल्ली, 22 दिसम्बर, 2016

**का.आ. 2456.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एससीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 66/2007) को प्रकाशित करती है जो केन्द्रीय सरकार को 22.12.2016 को प्राप्त हुआ था।

[सं. एल-22013/1/2016-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 22nd December, 2016

**S.O. 2456.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 66/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of M/s. Singareni Collieries Co. Ltd. and their workmen, received by the Central Government on 22.12.2016.

[No. L-22013/1/2016-IR (CM-II)]

RAJENDER SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

**Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated the 26<sup>th</sup> day of October, 2016

**INDUSTRIAL DISPUTE L.C. No. 66/2007**

#### Between :

Sri Basavabathula Raja Ram,  
S/o Ramaiah,  
C/o Smt. A. Sarojana, Advocate,  
Flat No. G7, Ground Floor,  
Rajeshwari Gayatri Sadan,  
Opp: Badruka Jr. College for Girls,  
Kachiguda, Hyderabad

...Petitioner

#### AND

1. The General Manager,  
M/s. Singareni Collieries Company Ltd.,

Mandamarri,  
Adilabad District.

2. The Colliery Manager,  
M/s. Singareni Collieries Company Ltd.,  
RK-1A Incline, Mandamarri,  
Adilabad District

...Respondents

#### Appearances :

- For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates  
For the Respondent : Sri M.V. Hanumantha Rao, Advocate

#### AWARD

Sri Basavabathula Raja Ram who worked as Coal filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring the proceeding No. P/RKP/16/2K/26 dated 2.1.2001 issued by Respondent No.1 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

#### 2. The averments made in the petition in brief are as follows:

The Petitioner was appointed as badli filler in the year 1988 and was confirmed as Coal Filler. But during the year 1997 the Petitioner suffered with ill-health and other family problems, for which the Petitioner has undergone treatment at his in-laws village through conventional methods and being recovered from that ailment the Petitioner returned to his residence. While the matter stood thus, a notice of proceeding dated 2.1.2001 was issued by the Respondents alleging that the Petitioner absented from duty during the year 1997, which amounts to misconduct under company's Standing Order No.25.25 and it is also stated that the charge sheet was sent to the Petitioner's house which was returned undelivered and as such a paper advertisement was issued, advising the Petitioner to attend for enquiry and as the Petitioner did not attend the enquiry on the scheduled date, an ex parte enquiry was conducted and he was dismissed from service. The Petitioner was undergoing treatment in his native village and he was not aware of either issuance of charge sheet or publication of notice made by the Respondents in the newspapers. The Petitioner could have certainly participated in the enquiry, if really he was in receipt of the charge sheet or notice of paper publication. It is stated that the Petitioner was unable to perform his duties regularly during the year 1997 only on account of his ill-health and other family problems, for this he could not attend his duties sincerely, but without considering any of his submissions, the Petitioner was dismissed from service vide office order dated 2.1.2001. It is also stated that the action of the Respondents' management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of principles of natural justice. The Petitioner has rendered about 9 years of continuous service in the Respondents' management. The Petitioner approached the Respondents to consider his case sympathetically but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order No. P.Rg.I/32A/103 dated 2.1.2001 issued by the Respondents is illegal and arbitrary and to set aside the same and consequently to direct the Respondents to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc..

#### 3. The Respondents filed counter denying the averments made in the petition, with averments in brief as follows:

In the counter the Respondents while admitting some of the factual aspects to be true, stated that the Petitioner has been dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner had remained absent unauthorizedly from duty without sufficient cause on a number of days and attended four days for duty during the calendar year 1998. A charge sheet was sent to his last known home address as per the procedure as he was not attending for duty, which was returned undelivered. Subsequently, the same was published in Andhra Jyothi daily newspaper dated 3.7.1998 advising the Petitioner to attend an enquiry fixed on 10.7.1998. The Petitioner neither submitted any explanation to the charge sheet nor attended the enquiry, as such an ex parte enquiry was conducted on 10.7.1998 wherein the charges levelled against the Petitioner were proved. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show cause notice giving an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his

past record, and found that there was no extenuating circumstances to take a lenient view and lastly, Respondent No.1 was constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet, and after receiving the show cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition be dismissed in limini.

4. The domestic enquiry conducted in the present case is held as legal and valid vide order dated 26.3.2010, in view of the memo filed by the counsel for the Petitioner, stating therein, not to challenge the validity of the domestic enquiry.

5. Both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

6. **In view of the above facts, the points for determination are:**

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Basavabathula Raja Ram is legal and justified?
- II. Whether the Petitioner is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

7. **Point No.1:** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to his illness and other family problems, the Petitioner could not be able to attend his duty sincerely. But on account of absenteeism capital punishment of dismissal from service has been imposed on the Petitioner. When the Petitioner has taken a stand that due to illness he could not be able to attend his duties regularly and remained absent, the authority should have considered his case but, without considering any of the submissions of the Petitioner, the authority has passed one cryptic and unreasoned order and has given capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondents submitted that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondents' management is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated in service.

9. Admittedly, working in the Mines is hazardous, remaining absent is not unusual. In this case, due to illness the Petitioner could not be able to regular in his duty. In fact, due to illness the Petitioner has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the Petitioner did not participate to defend the charges levelled against him and ultimately the charges were proved. For this, capital punishment has been imposed. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the Tribunal and is ready to provide bread and butter to his family members. When he has already realised his mistake atleast one chance should be given to him for reinstatement into service. Admittedly several modes of punishment are enumerated in the company's Standing Orders. The Petitioner is a first offender. When punishment has been imposed, his past conduct has not been considered. While imposing capital punishment to his employees, the management should verify the past conduct of the delinquent and think of the condition of the workers' family members. In this case, the punishment imposed by the Respondent for dismissal of service is too harsh. Therefore, it can safely be stated that the action of the management in imposing the punishment of dismissal from service to Sri Basavabathula Raja Ram is not legal and justified.

This point is answered accordingly.

10. **Point Nos. II & III:** In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri Basavabathula Raja Ram is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the Tribunal with a prayer for reinstatement into service he should be given a chance to serve for his family members. Now, after dismissal of service the Petitioner has become jobless and he being the sole earning member of his family, is unable to provide a square meal to his family members. In such a circumstances, atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondents' management. But, in the circumstances stated above, the Petitioner is not entitled to get all the relief as claimed in his petition. But the Petitioner is entitled to be given a chance to work in the Respondent's management.

Thus, Point Nos. II & III are answered accordingly.

### ORDER

It is ordered that the workman Sri Basavabathula Raja Ram be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the

company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain minimum mandatory 20 musters every month and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will be terminated without any further notice and enquiry. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this 26<sup>th</sup> day of October, 2016.

MURALIDHAR PRADHAN, Presiding Officer

#### Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

#### Documents marked for the Petitioner

NIL

#### Documents marked for the Respondent

NIL

नई दिल्ली, 22 दिसम्बर, 2016

**का.आ. 2457.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एससीसीएल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 3/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22.12.2016 को प्राप्त हुआ था।

[सं. एल-22013/1/2016-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 22nd December, 2016

**S.O. 2457.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 3/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of M/s. Singareni Collieries Co. Ltd. and their workmen, received by the Central Government on 22.12.2016.

[No. L-22013/1/2016-IR (CM-II)]

RAJENDER SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

**Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated the 24<sup>th</sup> day of October, 2016

**INDUSTRIAL DISPUTE L.C. No. 3/2008**

**Between :**

Sri Akula Rajender,  
S/o Ramulu,  
C/o Smt. A. Sarojana, Advocate,

Flat No. G7, Ground Floor,  
Rajeshwari Gayatri Sadan,  
Opp: Badruka Jr. College for Girls,  
Kachiguda, Hyderabad

...Petitioner

**AND**

1. The Chief General Manager,  
M/s. Singareni Collieries Company Ltd.,  
RG-I Area, Godavarikhani,  
Karimnagar District.
2. The Colliery Manager,  
M/s. Singareni Collieries Company Ltd.,  
GDK-6A Incline, Godavarikhani,  
Karimnagar District

...Respondents

**Appearances :**

- For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates  
For the Respondent : Sri S.M. Subhani, Advocate

**AWARD**

Sri Akula Rajender, who worked as Badli filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring the proceeding No. P.Rg.I/32A/103 dated 7.1.2000 issued by Respondent No.1 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

**2. The averments made in the petition in brief are as follows:**

The Petitioner was appointed as badli filler on 16.8.1996. From the date of appointment the Petitioner rendered his best services upto the satisfaction of his superiors. While the matter stood thus, a proceeding dated 7.1.2000 was issued by the Respondents alleging that the Petitioner absented for duty during the year 1999, which amounts to misconduct under company's Standing Order No.25.25 and it is also stated that the charge sheet was sent to the Petitioner's house which was returned undelivered, as such a paper advertisement was issued, advising the Petitioner to attend for enquiry and as the Petitioner did not attend enquiry on the scheduled date, an exparte enquiry was conducted and he was dismissed from service. The Petitioner was undergoing treatment in his native village and he was not aware of either issuance of charge sheet or publication made by the Respondents in the newspapers. The Petitioner could have certainly participated in the enquiry, if really he was in receipt of the charge sheet or notice of paper publication. It is stated that the Petitioner was unable to perform his duties regularly during the year 1999 only on account of his ill-health and other family problems, for this he could not attend his duties sincerely, but without considering any of his submissions, the Petitioner was dismissed from service vide office order dated 7.1.2000. It is also stated that the action of the Respondents' management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of principles of natural justice. The Petitioner has rendered about 3 years of continuous service in the Respondents' management. The Petitioner approached the Respondents to consider his case sympathetically but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order No. P.Rg.I/32A/103 dated 7.1.2000 issued by the Respondents is illegal and arbitrary and to set aside the same and consequently to direct the Respondents to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc..

**3. The Respondents filed counter denying the averments made in the petition, with averments in brief as follows:**

In the counter the Respondents while admitting some of the factual aspects to be true, stated that the Petitioner has been dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner had remained absent unauthorizedly from duty without sufficient cause on a number of days and attended four days for duty during the calendar year 1998. A charge sheet was sent to his last known home address as per the procedure as he was not attending for duty, which was returned undelivered. Subsequently, the same was published in Andhra Jyothi daily newspaper dated 16.9.1999 advising the Petitioner to attend an enquiry fixed on 21.9.1999. The Petitioner neither submitted any explanation to the charge sheet nor attended the enquiry, as such an exparte enquiry was conducted on 21.9.1999 wherein the charges levelled against the Petitioner



were proved. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show cause notice giving an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record, and found that there was no extenuating circumstances to take a lenient view and lastly, Respondent No.1 was constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet, and after receiving the show cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition be dismissed in limini.

4. The domestic enquiry conducted in the present case is held as legal and valid vide order dated 4.2.2009, in view of the memo filed by the counsel for the Petitioner, stating therein, not to challenge the validity of the domestic enquiry.

5. Both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

6. **In view of the above facts, the points for determination are:**

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Akula Rajender is legal and justified?
- II. Whether the Petitioner is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

7. **Point No.1:** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to his illness and other family problems, the Petitioner could not be able to attend his duty sincerely. But on account of absenteeism capital punishment of dismissal from service has been imposed on the Petitioner. When the Petitioner has taken a stand that due to illness he could not be able to attend his duties regularly and remained absent, the authority should have considered his case but, without considering any of the submissions of the Petitioner, the authority has passed one cryptic and unreasoned order and has given capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondents submitted that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondents' management is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated in service.

9. Admittedly, working in the Mines is hazardous, remaining absent is not unusual. In this case, due to illness the Petitioner could not be able to regular in his duty. In fact, due to illness the Petitioner has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the Petitioner did not participate and the charges levelled against the Petitioner were proved. For this, capital punishment has been imposed. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the Tribunal and is ready to provide bread and butter to his family members. When he has already realised his mistake atleast one chance should be given to him for reinstatement into service. Admittedly several modes of punishment are enumerated in company's Standing Orders. The Petitioner is a first offender. When punishment has been imposed, his past conduct has not been considered. While imposing capital punishment to his employees, the management should think of the condition of the worker as well as his family members so also his past conduct. In this case, the punishment imposed by the Respondent for dismissal of service is too harsh. Therefore, it can safely be stated that the action of the management in imposing the punishment of dismissal from service to Sri Akula Rajender is not legal and justified.

This point is answered accordingly.

10. **Point Nos. II & III:** In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri Akula Rajender is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the Tribunal with a prayer for reinstatement into service he should be given a chance to serve for his family members. Now, after dismissal of service the Petitioner has become jobless and he being the sole earning member of his family, is unable to provide a square meal to his family members. In such a circumstances, atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondents' management. But, in the circumstances stated above, the Petitioner is not entitled to get all the relief as claimed in his petition. But the Petitioner is entitled to be given a chance to work in the Respondent's management.

Thus, Point Nos. II & III are answered accordingly.

### ORDER

It is ordered that the workman Sri Akula Rajender be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain minimum mandatory 20 musters every month and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will be terminated without any further notice and enquiry. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 24<sup>th</sup> day of October, 2016.

MURALIDHAR PRADHAN, Presiding Officer

### Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

### Documents marked for the Petitioner

NIL

### Documents marked for the Respondent

NIL

नई दिल्ली, 22 दिसम्बर, 2016

**का.आ. 2458.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एससीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 130/2007) को प्रकाशित करती है जो केन्द्रीय सरकार को 22.12.2016 को प्राप्त हुआ था।

[सं. एल-22013/1/2016-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 22nd December, 2016

**S.O. 2458.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 130/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of M/s. Singareni Collieries Co. Ltd. and their workmen, received by the Central Government on 22.12.2016.

[No. L-22013/1/2016-IR (CM-II)]

RAJENDER SINGH, Section Officer

### ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

**Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated the 25<sup>th</sup> day of October, 2016

**INDUSTRIAL DISPUTE L.C. No. 130/2007**

**Between :**

Sri Sriramula Ramulu,  
S/o Narsaiah,  
C/o Smt. A. Sarojana, Advocate,  
Flat No. G7, Ground Floor,  
Rajeshwari Gayatri Sadan,  
Opp: Badruka Jr. College for Girls,  
Kachiguda, Hyderabad

...Petitioner

**AND**

1. The General Manager,  
M/s. Singareni Collieries Company Ltd.,  
Mandamarri Area, Mandamarri,  
Adilabad District.
2. The Colliery Manager,  
M/s. Singareni Collieries Company Ltd.,  
KK-1 Incline, Mandamarri,  
Adilabad District

...Respondents

**Appearances :**

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates

For the Respondent : M/s. P.A.V.V.S. Sarma & Vijaya Laxmi Panguluri, Advocates

**AWARD**

Sri Sriramula Ramulu who worked as Coal filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring the proceeding No. P/MM/2/98/2699 dated 17.9.1998 issued by Respondent No.1 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

**2. The averments made in the petition in brief are as follows:**

The Petitioner was appointed as badli filler in the year 1987 and he was regular to his duties till the year 1996. But during the year 1997, Petitioner suffered ill-health and other family problems. While the matter stood thus, charge sheet dated 20.3.1998 was issued by the Respondents alleging that the Petitioner absented for duty during the year 1997, which amounts to misconduct under company's Standing Order No.25.25. Subsequently, one inquiry was conducted and during the time of the enquiry, the Petitioner was not given any opportunity much less valid in nature to put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved and basing on the erroneous findings of the Enquiry Officer, the Petitioner was dismissed from service vide order No. P/MM/2/98/2699 dated 17.9.1998, w.e.f. 25.9.1998. It is stated that during the course of the enquiry the Petitioner has categorically stated that his inability to perform his duties regularly during the year 1997 was only on account of his mental as well as physical ill-health and other family problems. But without considering any of his submissions, the Petitioner was dismissed from service. It is also stated that the action of the Respondents management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of principles of natural justice. The Petitioner has rendered several years of continuous service in the Respondents' management. The Petitioner approached the Respondents to consider his case sympathetically, but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order No. P/MM/2/98/2699 dated 17.9.1998 issued by the Respondents is illegal and arbitrary and to set aside the same and consequently to direct the Respondents to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc..

**3. The Respondents filed counter denying the averments made in the petition, with averments in brief as follows:**

In the counter the Respondents while admitting some of the factual aspects to be true, stated that the Petitioner was appointed in the Respondent's company on 26.5.1987 as Floating Badli Filler. He was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner has attended the enquiry fixed and had fully participated in the enquiry. He was given full, fair

and reasonable opportunity to defend himself in the enquiry. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show cause notice giving an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondent was constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition be dismissed in limini.

4. In view of the memo filed by the Learned Counsel for the Petitioner admitting the validity of the domestic enquiry to be legal and valid, the domestic enquiry conducted in the present case is held as legal and valid vide order dated 3.2.2010.

5. Both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

6. **In view of the above facts, the points for determination are:**

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Sriramula Ramulu is legal and justified?
- II. Whether the Petitioner is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

7. **Point No.I:** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to illness, the Petitioner could not be able to attend his duty sincerely. It is also contended that the Petitioner fell ill and due to his ill-health he could not be able to attend his duties regularly. Even in his show cause the Petitioner has mentioned the fact of his illness but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Petitioner. When the Petitioner has taken a stand that due to illness he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing punishment. But, the authority has given capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondents submitted that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondents' company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated in service.

9. Admittedly, working in the Mines is hazardous, remaining absent is not unusual. In this case, due to illness the Petitioner could not be able to be regular in his duty. In fact, due to illness the Petitioner has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Petitioner were proved. For this, capital punishment was imposed. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 45 years, he is now aged about 54 years and is searching ways and means to provide bread and butter to his family members. When the Petitioner has already realised his mistake and is coming forward to work, atleast one chance should be given to him for reinstatement into service. While imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondents for dismissal of service is too harsh. Therefore, it can safely be stated that the action of the management in imposing the punishment of dismissal from service to Sri Sriramula Ramulu is not legal and justified.

This point is answered accordingly.

10. **Point Nos. II & III:** In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri Sriramula Ramulu is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Petitioner has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondent's management. But in this case, the Petitioner has not come to the court soon after his dismissal of service. In the

opinion of this Tribunal the Petitioner is not entitled to get all the relief as claimed in his claim petition. But he is entitled to be given a chance to work in the Respondents' management.

Thus, Point Nos. II & III are answered accordingly.

### ORDER

It is ordered that the workman Sri Sriramula Ramulu be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain minimum mandatory 20 musters every month and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will be terminated without any further notice and enquiry. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 25<sup>th</sup> day of October, 2016.

MURALIDHAR PRADHAN, Presiding Officer

### Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

### Documents marked for the Petitioner

NIL

### Documents marked for the Respondent

NIL

नई दिल्ली, 22 दिसम्बर, 2016

**का.आ. 2459.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एससीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 31/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22.12.2016 को प्राप्त हुआ था।

[सं. एल-22013/1/2016-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 22nd December, 2016

**S.O. 2459.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 31/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of M/s. Singareni Collieries Co. Ltd. and their workmen, received by the Central Government on 22.12.2016.

[No. L-22013/1/2016-IR (CM-II)]

RAJENDER SINGH, Section Officer

### ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

**Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated the 24<sup>th</sup> day of October, 2016

**INDUSTRIAL DISPUTE L.C. No. 31/2007**

**Between :**

Sri Aggu Rayamallu,  
S/o Gattaiah,  
C/o Smt. A. Sarojana, Advocate,  
Flat No. G7, Ground Floor,  
Rajeshwari Gayatri Sadan,  
Opp: Badruka Jr. College for Girls,  
Kachiguda, Hyderabad

...Petitioner

**AND**

1. The General Manager,  
M/s. Singareni Collieries Company Ltd.,  
Mandamarri Area, Mandamarri,  
Adilabad District.
2. The Superintendent of Mines,  
M/s. Singareni Collieries Company Ltd.,  
KK-2 Incline, Mandamarri,  
Adilabad District

...Respondents

**Appearances :**

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates  
For the Respondent : Sri S.M. Subhani, Advocate

**AWARD**

Sri Aggu Rayamallu, who worked as Badli filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring proceeding No. P/MM/7/2/01/2039 dated 27.4.2001 issued by Respondent No.1 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

**2. The averments made in the petition in brief are as follows:**

The Petitioner was appointed as badli filler in the 1<sup>st</sup> Respondent company and later he was confirmed as Coal Filler on 28.6.1990. The Petitioner could not be regular to his duties during the year 1999, during which time his elder son expired and he suffered with illness and other family problems. While the matter stood thus, charge sheet dated 7.2.2000 was issued by the Respondents alleging that the Petitioner absented for duty during the year 1999, which amounts to misconduct under company's Standing Order No.25.25. Subsequently, one inquiry was conducted and during the time of the enquiry, the Petitioner was not given any opportunity much less valid in nature to putforth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved and basing on the erroneous findings of the Enquiry Officer, the Petitioner was dismissed from service vide order No. P/MM/7/2/01/2039 dated 27.4.2001. It is stated that during the course of the enquiry the Petitioner has categorically stated that his inability to perform his duties regularly during the year 1999 was only on account of the death of his elder son, his ill-health and other family problems. But without considering any of his submissions, the Petitioner was dismissed from service. It is also stated that the action of the Respondents management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of principles of natural justice. The Petitioner has rendered several years of continuous service in the Respondents' management. The Petitioner approached the Respondents to consider his case sympathetically but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order No. P/MM/7/2/01/2039 dated 27.4.2001 issued by the Respondents is illegal and arbitrary and to set aside the same and consequently to direct the Respondents to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc..

**3. The Respondents filed counter denying the averments made in the petition, with averments in brief as follows:**

In the counter the Respondents while admitting some of the factual aspects to be true, stated that the Petitioner was appointed in the Respondent's company on 14.11.1987 and was later promoted as Trammer. He was dismissed

from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner has attended the enquiry fixed and had fully participated in the enquiry. He was given full, fair and reasonable opportunity to defend himself in the enquiry. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show cause notice giving an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondent was constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition be dismissed in limini.

4. The domestic enquiry conducted in the present case is held as legal and valid vide order dated 5.3.2009, in view of the memo filed by the counsel for the Petitioner, stating therein, not to challenge the validity of the domestic enquiry.

5. **In view of the above facts, the points for determination are:**

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Aggu Rayamallu is legal and justified?
- II. Whether the Petitioner is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

6. **Point No.1:** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to illness, the Petitioner could not be able to attend his duty sincerely. It is also contended that the Petitioner lost his elder son, fell ill and due to his ill-health he could not be able to attend his duties regularly. Even in his show cause the Petitioner has mentioned the fact of his illness but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Petitioner. When the Petitioner has taken a stand that due to illness he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing punishment. But, the authority has given capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

7. On the other hand, the Learned Counsel appearing on behalf of the Respondents submitted that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondents' company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated in service.

8. Admittedly, working in the Mines is hazardous, remaining absent is not unusual. In this case, due to illness the Petitioner could not be able to be regular in his duty. In fact, due to illness the Petitioner has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Petitioner were proved. For this, capital punishment was imposed. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 40 years, he is now aged about 50 years and is searching ways and means to provide bread and butter to his family members. When the Petitioner has already realised his mistake and is coming forward to work, one chance should be given to him for reinstatement into service. While imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondents for dismissal of service is too harsh. Therefore, it can safely be stated that the action of the management in imposing the punishment of dismissal from service to Sri Aggu Rayamallu is not legal and justified.

This point is answered accordingly.

9. **Point Nos. II & III:** In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri Aggu Rayamallu is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Petitioner has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondent's management. But in this case, the Petitioner has not come to the court soon after his dismissal of service. In the

opinion of this Tribunal the Petitioner is not entitled to get all the relief as claimed in his claim petition. But he is entitled to be given a chance to work in the Respondents' management.

Thus, Point Nos. II & III are answered accordingly.

### ORDER

It is ordered that the workman Sri Aggu Rayamallu be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain minimum mandatory 20 musters every month and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will be terminated without any further notice and enquiry. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 24<sup>th</sup> day of October, 2016.

MURALIDHAR PRADHAN, Presiding Officer

### Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

### Documents marked for the Petitioner

NIL

### Documents marked for the Respondent

NIL

नई दिल्ली, 22 दिसम्बर, 2016

**का.आ. 2460.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एससीसीएल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 34/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22.12.2016 को प्राप्त हुआ था।

[सं. एल-22013/1/2016-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 22nd December, 2016

**S.O. 2460.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 34/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of M/s. Singareni Collieries Co. Ltd. and their workmen, received by the Central Government on 22.12.2016.

[No. L-22013/1/2016-IR (CM-II)]

RAJENDER SINGH, Section Officer

### ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

**Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated the 24<sup>th</sup> day of October, 2016



**INDUSTRIAL DISPUTE L.C. No. 34/2007****Between :**

Sri K. David Srinivas,  
S/o Suvarna Rathnam,  
C/o Smt. A. Sarojana, Advocate,  
Flat No. G7, Ground Floor,  
Rajeshwari Gayatri Sadan,  
Opp: Badruka Jr. College for Girls,  
Kachiguda, Hyderabad

...Petitioner

**AND**

1. The General Manager,  
M/s. Singareni Collieries Company Ltd.,  
Mandamarri Area, Mandamarri,  
Adilabad District.
2. The Superintendent of Mines,  
M/s. Singareni Collieries Company Ltd.,  
KK-5A Incline,  
Mandamarri Area, Mandamarri,  
Adilabad District

...Respondents

**Appearances :**

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates  
For the Respondent : Sri M.V. Hanumantha Rao, Advocate

**AWARD**

Sri K. David Srinivas, who worked as Badli filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring the proceeding No. P/MM/7/2/98/3261 dated 5.11.1998 issued by Respondent No.1 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

**2. The averments made in the petition in brief are as follows:**

The Petitioner was appointed as badli filler and later he was promoted as coal filler. From the date of his appointment the Petitioner rendered his best services upto the satisfaction of his superiors. While the matter stood thus, a proceeding dated 5.11.1998 was issued by the Respondents alleging that charge sheet dated 26.3.1998 was issued under company's Standing Orders No.25.25 for habitual absenteeism from 1.4.1997 to 31.12.1997. The proceeding dated 5.11.1998 was issued consequent upon the exparte enquiry conducted and the Petitioner was dismissed from service. It is also stated that the charge sheet was sent to the Petitioner's house which was returned undelivered, as such a paper advertisement was issued, advising the Petitioner to attend for enquiry and as the Petitioner did not attend the enquiry on the Scheduled date, an exparte enquiry was conducted and he was dismissed from service. The Petitioner also stated that he was undergoing treatment in his native village and was not aware of either issuance of charge sheet or publication made in the news papers by the Respondent. The Petitioner could have certainly participated in the enquiry, if really he was in receipt of the charge sheet or notice of paper publication. It is further stated that the Petitioner was unable to perform his duties regularly during the year 1999 only on account of his ill-health and other family problems, for this he could not attend his duties sincerely, but without considering any of his submissions, the Petitioner was dismissed from service vide office order dated 5.11.1998. It is also stated that the action of the Respondent management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Petitioner has rendered about 8 years of continuous service in the Respondents' management. The Petitioner approached the Respondents to consider his case sympathetically but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order No. P/MM/7/2/98/3261 dated 5.11.1998 issued by the Respondents is illegal and arbitrary and to set aside the same and consequently to direct the Respondents to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc.

3. **The Respondents filed counter denying the averments made in the petition, with averments in brief as follows:**

In the counter the Respondents while admitting some of the factual aspects to be true, stated that the Petitioner has been dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner had remained absent unauthorizedly from duty without sufficient cause on a number of days and attended four days for duty during the calendar year 1997. A charge sheet was sent to his last known home address as per the procedure as he was not attending for duty, which was returned undelivered. Subsequently, the same was published in Andhra Jyothi daily newspaper dated 23.7.1998 advising the Petitioner to attend an enquiry fixed on 3.8.1998. The Petitioner neither submitted any explanation to the charge sheet nor attended the enquiry, as such an exparte enquiry was conducted, wherein the charges levelled against the Petitioner were proved. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show cause notice giving an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record, and found that there was no extenuating circumstances to take a lenient view and lastly, Respondent No.1 was constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet, and after receiving the show-cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition be dismissed in limini.

4. The domestic enquiry conducted in the present case is held as legal and valid vide order dated 13.3.2009, in view of the memo filed by the counsel for the Petitioner, stating therein, not to challenge the validity of the domestic enquiry.

5. Both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

6. **In view of the above facts, the points for determination are:**

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri K. David Srinivas is legal and justified?
- II. Whether the Petitioner is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

7. **Point No.I:** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to his illness and other family problems, the Petitioner could not be able to attend his duty sincerely. But on account of absenteeism capital punishment of dismissal from service has been imposed on the Petitioner. When the Petitioner has taken a stand that due to illness he could not be able to attend his duties regularly and remained absent, the authority should have considered his case but, without considering any of the submissions of the Petitioner, the authority has passed one cryptic and unreasoned order and has given capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondents submitted that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondents' management is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated in service.

9. Admittedly, working in the Mines is hazardous, remaining absent is not unusual. In this case, due to illness the Petitioner could not be able to regular in his duty. In fact, due to illness the Petitioner has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Petitioner were proved. For this, capital punishment has been imposed. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the Tribunal and is ready to provide bread and butter to his family members. When he has already realised his mistake atleast one chance should be given to him for reinstatement into service. Admittedly several modes of punishment are enumerated in company's Standing Orders. The Petitioner is a first offender. His past conduct has not been considered before imposing punishment. While imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondent for dismissal of service is too harsh. Therefore, it can safely be stated that the action of the management in imposing the punishment of dismissal from service to Sri K. David Srinivas is not legal and justified.

This point is answered accordingly.

10. **Point Nos. II & III:** In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri K. David Srinivas is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the Tribunal with a prayer for reinstatement into service he should be given a chance to serve for his family members. Now, after dismissal of service the Petitioner has become jobless and he being the sole earning member of his family, is unable to provide a square meal to his family members. In such a circumstances, atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondents' management. But, in the circumstances stated above, the Petitioner is not entitled to get all the relief as claimed in his petition. But the Petitioner is entitled to be given a chance to work in the Respondent's management.

Thus, Point Nos. II & III are answered accordingly.

### ORDER

It is ordered that the workman Sri K. David Srinivas be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain minimum mandatory 20 musters every month and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will be terminated without any further notice and enquiry. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 24<sup>th</sup> day of October, 2016.

MURALIDHAR PRADHAN, Presiding Officer

### Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

### Documents marked for the Petitioner

NIL

### Documents marked for the Respondent

NIL

नई दिल्ली, 22 दिसम्बर, 2016

**का.आ. 2461.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एससीसीएल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 158/2006) को प्रकाशित करती है जो केन्द्रीय सरकार को 22.12.2016 को प्राप्त हुआ था।

[सं. एल-22013/1/2016-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 22nd December, 2016

**S.O. 2461.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 158/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of M/s. Singareni Collieries Co. Ltd. and their workmen, received by the Central Government on 22.12.2016.

[No. L-22013/1/2016-IR (CM-II)]

RAJENDER SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT  
HYDERABAD****Present : Sri Muralidhar Pradhan, Presiding Officer**Dated the 29<sup>th</sup> day of October, 2016**INDUSTRIAL DISPUTE L.C. No. 158/2006****Between :**

Sri Venuvanka Kommaiah,  
S/o Kanthaiah,  
C/o Smt. A. Sarojana, Advocate,  
Flat No. G7, Ground Floor,  
Rajeshwari Gayatri Sadan,  
Opp: Badruka Jr. College for Girls,  
Kachiguda, Hyderabad

...Petitioner

**AND**

1. The General Manager,  
M/s. Singareni Collieries Company Ltd.,  
Mandamarri Area, Mandamarri,  
Adilabad District.
2. The Superintendent of Mines,  
M/s. Singareni Collieries Company Ltd.,  
KK-5A Incline,  
Mandamarri Area, Mandamarri,  
Adilabad District

...Respondents

**Appearances :**

For the Petitioner : M/s. A. Sarojana &amp; K. Vasudeva Reddy, Advocates

For the Respondent : M/s. P.A.V.V.S. Sarma &amp; Vijaya Laxmi Panguluri, Advocates

**AWARD**

Sri Venuvanka Kommaiah, who worked as Badli filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring the proceeding No. P/MM/7/2/00/1186 dated 11.3.2000 issued by Respondent No.1 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

**2. The averments made in the petition in brief are as follows:**

The Petitioner was appointed as badli filler in the year 1983 and further he was promoted as Coal Filler in 1987. From the date of appointment the Petitioner was regular to his duties till the year 1997. During the year 1998 the Petitioner's mother fell sick and expired during the year 1999. Consequently the father of the Petitioner also fell sick during the year 1999 and expired in the year 2000. The above reasons coupled with other family problems contributed to the Petitioner's inability to be regular to his duties during the years 1998 and 1999. While the matter stood thus, charge sheet dated 6.3.99 was issued to the Petitioner by the Respondents alleging that the Petitioner absented for duty during the year 1998, which amounts to misconduct under company's Standing Order No.25.25. Subsequently, inquiry was conducted and during the time of enquiry, the Petitioner was not given any opportunity much less valid in nature to putforth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved and also basing on the erroneous findings of the Enquiry Officer a show-cause notice was issued and subsequently the Petitioner was dismissed from service w.e.f. 24.3.2000 vide office order dated 11.3.2000. It is stated that during the course of the enquiry the Petitioner has categorically stated that his inability to perform his duties regularly during the year 1998 was only on account of his mother's ill-health and other family problems, for this he could not attend his duties sincerely, but without considering any of his submissions, the Petitioner was dismissed from service w.e.f. 24.3.2000 vide office order dated 11.3.2000. It is also stated that the action of the Respondent management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of principles of natural

justice. The Petitioner has rendered about 16 years of continuous service in the Respondents' management. The Petitioner approached the Respondents to consider his case sympathetically, but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order No. P/MM/7/2/00/1186 dated 11.3.2000 issued by the Respondents is illegal and arbitrary and to set aside the same, and consequently to direct the Respondents to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc..

**3. The Respondents filed counter denying the averments made in the petition, with averments in brief as follows:**

In the counter the Respondents while admitting some of the factual aspects to be true, stated that the Petitioner has been dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner has attended the enquiry and had fully participated in the enquiry. He was given full, fair and reasonable opportunity to defend himself in the enquiry. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show cause notice giving an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, Respondent No.1 was constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet, and after receiving the show cause notice on 8.6.2004. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition be dismissed in limini.

4. The domestic enquiry conducted in the present case is held as legal and valid vide order dated 20.1.2014, in view of the memo filed by the counsel for the Petitioner, stating therein, not to challenge the validity of the domestic enquiry.

5. Both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

**6. In view of the above facts, the points for determination are:**

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Venuvanka Kommaiah is legal and justified?
- II. Whether the Petitioner is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

7. **Point No.1:** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to his mother's illness and other family problems, the Petitioner could not be able to attend his duty sincerely. It is also contended that the Petitioner was suffering from ill-health and as such, he could not be able to attend his duties regularly. Even in his show cause the Petitioner has mentioned the fact of his illness but it has not been considered during the course of the enquiry. But on account of absenteeism capital punishment of dismissal from service has been imposed on the Petitioner. When the Petitioner has taken a stand that due to his illness he could not be able to attend his duties regularly and remained absent, the authority should have considered his case, but without considering any of the submissions of the Petitioner a cryptic and unreasoned order was passed imposing severe punishment. In this case, the authority has given capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondents submitted that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondent company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated in service.

9. Admittedly, working in the Mines is hazardous, remaining absent is not unusual. In this case, due to illness the Petitioner could not be able to be regular in his duty. In fact, due to illness the Petitioner has remained absent in his duties and a proceeding was initiated for his absenteeism followed by an enquiry. In the enquiry, the submissions of the Petitioner has not been considered and the charges levelled against the Petitioner were proved. For this, capital punishment has been imposed. In the mean time the father of the Petitioner died. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the Tribunal and is ready to provide bread and butter to his family members. When he has already realised his mistake one chance should be given to him for his reinstatement into service. While imposing

capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondent for dismissal of service is too harsh. Therefore, it can safely be stated that the action of the management in imposing the punishment of dismissal from service to Sri Venuvanka Kommaiah is not legal and justified.

This point is answered accordingly.

10. **Point Nos. II & III:** In Point No.I, it has already been observed that the punishment of dismissal from service to Sri Venuvanka Kommaiah is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for his reinstatement into service he should be given a chance to serve for his family members. Now, after dismissal of service the Petitioner has become jobless and he being the sole earning member of his family, is unable to provide a square meal to his family members. In such a circumstances, atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondents' management. But, in the circumstances stated above, the Petitioner is not entitled to get all the relief as claimed in his petition. But he is entitled to be given a chance to work in the Respondent's management.

Thus, Point Nos. II & III are answered accordingly.

### ORDER

It is ordered that the workman Sri Venuvanka Kommaiah be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain minimum mandatory 20 musters every month and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will be terminated without any further notice and enquiry. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 29<sup>th</sup> day of September, 2016.

MURALIDHAR PRADHAN, Presiding Officer

### Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

### Documents marked for the Petitioner

NIL

### Documents marked for the Respondent

NIL

नई दिल्ली, 22 दिसम्बर, 2016

**का.आ. 2462.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एससीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 1/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22.12.2016 को प्राप्त हुआ था।

[सं. एल-22013/1/2016-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 22nd December, 2016

**S.O. 2462.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1/2009) of the Central Government Industrial Tribunal-cum-Labour

Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of M/s. Singareni Collieries Co. Ltd. and their workmen, received by the Central Government on 22.12.2016.

[No. L-22013/1/2016-IR (CM-II)]

RAJENDER SINGH, Section Officer

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

**Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated the 26<sup>th</sup> day of October, 2016

**INDUSTRIAL DISPUTE L.C. No. 1/2009**

#### Between :

Sri Tati Hanumanthu,  
S/o Ramaiah,  
R/o Vepalagadda,  
P.O. Mukundapuram,  
Yellandu Mandal,  
Khammam District

...Petitioner

#### AND

The General Manager,  
M/s. Singareni Collieries Company Ltd.,  
Yellandu Collieries,  
Yellandu Mandal - 507124

...Respondents

#### Appearances :

For the Petitioner : Sri William Burra, Advocate

For the Respondent : M/s. P.A.V.V.S. Sarma & Vijaya Laxmi Panguluri, Advocates

### AWARD

Sri Tati Hanumanthu who worked as Coal filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring the dismissal order issued by Respondent as illegal, arbitrary and to set aside the same consequently directing the Respondent to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

#### 2. The averments made in the petition in brief are as follows:

The Petitioner was appointed as badli filler in the year 1986 in Yellandu Collieries, he worked hard sincerely and efficiently. But due to unavoidable circumstances, he lost his regularity which caused for absenteeism in duty. While the matter stood thus, charge sheet dated 24.8.1999 was issued by the Respondent. The Petitioner submitted his explanation to the show cause notice. Subsequently, one inquiry was conducted, and during the time of the enquiry, the Petitioner was not given any opportunity much less valid in nature to put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved, and basing on the erroneous findings of the Enquiry Officer, the Petitioner was dismissed from service. It is also stated that the action of the Respondent management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of principles of natural justice. The Petitioner has rendered 13 years of continuous service in the Respondent's management. The Petitioner approached the Respondent to consider his case sympathetically, but the Respondent/management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order issued by the Respondent is illegal and arbitrary and to set aside the same and consequently to direct the Respondent to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc..

3. **The Respondents filed counter denying the averments made in the petition, with the averments in brief as follows:**

In the counter the Respondent while admitting some of the factual aspects to be true, stated that the Petitioner was appointed in the Respondent's company on 1.4.1986 as Badli Filler and drafted as Coal Filler. He was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner has attended the enquiry on the date fixed and had fully participated in the enquiry. He was given full, fair and reasonable opportunity to defend himself in the enquiry. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show cause notice giving an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondent was constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition be dismissed in limini.

4. In view of the statement of the Learned Counsel for the Petitioner across the Bench, admitting the validity of the domestic enquiry to be legal and valid, the domestic enquiry conducted in the present case is held as legal and valid vide order dated 12.2.2014.

5. Both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

6. **In view of the above facts, the points for determination are:**

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Tati Hanumanthu is legal and justified?
- II. Whether the Petitioner is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

7. **Point No.I:** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to unavoidable circumstances, the Petitioner could not be able to attend his duty sincerely and he could not be able to attend his duties regularly. But it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Petitioner. When the Petitioner has taken a stand that due to domestic problems, he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing punishment. But, the authority has given capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondent submitted that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondent's company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated in service.

9. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, due to illness the Petitioner could not be able to be regular in his duty. In fact, due to unavoidable circumstances the Petitioner has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Petitioner were proved. For this, capital punishment was imposed. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 40 years, he is now aged about 47 years and is searching ways and means to provide bread and butter to his family members. When the Petitioner has already realised his mistake and is coming forward to work, atleast one chance should be given to him for reinstatement into service. While imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondent for dismissal of service is too harsh. Therefore, it can safely be stated that the action of the management in imposing the punishment of dismissal from service to Sri Tati Hanumanthu is not legal and justified.

Thus, Point No.I is answered accordingly.

10. **Point Nos. II & III:** In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri Tati Hanumanthu is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a



chance to serve for his family members. After dismissal of service the Petitioner has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondent's management. But in this case, the Petitioner has not come to the court soon after his dismissal of service. In such a circumstances, in the opinion of this Tribunal the Petitioner is not entitled to get all the relief as claimed in his claim petition. But he is entitled to be given a chance to work in the Respondents' management.

Thus, Point Nos. II & III are answered accordingly.

### ORDER

It is ordered that the workman Sri Tati Hanumanthu be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain minimum mandatory 20 musters every month and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will be terminated without any further notice and enquiry. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 26<sup>th</sup> day of October, 2016.

MURALIDHAR PRADHAN, Presiding Officer

### Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

### Documents marked for the Petitioner

NIL

### Documents marked for the Respondent

NIL

नई दिल्ली, 22 दिसम्बर, 2016

**का.आ. 2463.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एफसीआई के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चैन्नई के पंचाट (संदर्भ सं. 116/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22.12.2016 को प्राप्त हुआ था।

[सं. एल-22011/8/2015-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 22nd December, 2016

**S.O. 2463.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 116/2015) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the management of M/s. FCI and their workmen, received by the Central Government on 22.12.2016.

[No. L-22011/8/2015-IR (CM-II)]

RAJENDER SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI**

Monday, the 26<sup>th</sup> September, 2016

**Present : K. P. PRASANNA KUMARI**, Presiding Officer

**Industrial Dispute No. 116/2015**

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Food Corporation of India and their workman)

**BETWEEN :**

Ms. S. Sharmila : 1<sup>st</sup> Party/Petitioner

**AND**

The Area Manager : 2<sup>nd</sup> Party/Respondent  
Food Corporation of India  
District Office, Tatabad Post  
Coimbatore-641012

**Appearance :**

For the 1<sup>st</sup> Party/Petitioner : M/s. Balan Haridas, Advocates

For the 2<sup>nd</sup> Party/Respondent : Sri M. Imthias, Advocate

**AWARD**

The Central Government, Ministry of Labour & Employment vide its Order No. L-22011/08/2015-IR (CM.II) dated 03.08.2015 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

*“Whether the termination of S. Sharmila by the Management of Food Corporation of India, Coimbatore is justified or not? If not, to what relief the workman/union is entitled to?”*

2. On receipt of the Industrial Dispute this Tribunal numbered it as ID 116/2015 and issued notices to both sides. Both sides entered appearance through their counsel and filed Claim and Counter Statement respectively. The petitioner has filed rejoinder in answer to the Counter Statement.

3. The averments in the Claim Statement filed by the petitioner in brief are these:

The petitioner joined the service of the Respondent in the year 2012. She was appointed to do the work of compilation of stocks account, compiling and feeding IRRS Data, preparing proposals for write off of storage loss / transit loss, compilation of PV Statements, etc. The petitioner has independently worked even in the Lorry Weigh Bridge which work is that of an Assistant Grade-I-(D). The engagement of the petitioner was due to acute shortage of manpower in the Coimbatore Main Depot of the Respondent. Appointment was made to a permanent post against a regular vacancy. The petitioner discharged the work of a regular employee. She has continuously worked in the Respondent establishment from 01.11.2012 to 28.2.2014 without any break. She has worked for more than 480 days in two calendar years. The petitioner is qualified to be appointed as Assistant Grade-III in the service of the Respondent. The petitioner made representations on 20.09.2013 and 01.04.2014 requesting to regularize her service. Instead of regularizing her she was terminated from service on 28.02.2014. The petitioner had completed more than 240 days of continuous service in the 12 calendar months from 01.11.2012 to 31.10.2013. The Respondent did not comply with Section-25(F) of ID Act in terminating the petitioner. So the termination is void *ab-initio*. After terminating the petitioner from service the Respondent engaged outsiders by outsourcing of the work. After terminating the petitioner the Respondent has engaged new persons in violation of Section-25(G) of the Act. She was engaged to do permanent work by terming her as a casual labour to deny the benefit of permanency. An award may be passed holding that the termination of the petitioner is illegal and also directing the Respondent to reinstate the petitioner in service with full backwages, continuity of service and all other attendant benefits by regularizing the service of the petitioner in permanent vacancy.

4. The Respondent has filed Counter Statement contending as below:

The allegations in the Claim Statement are denied by the Respondent. The petitioner was engaged as a casual labour only on temporary basis during urgencies. She has not been appointed for any permanent post nor terminated

from permanent post. Regular appointment in the Respondent establishment has been done in accordance with FCI Staff Regulations of 1971. The petitioner has not acquired any legal right to claim permanency or regularization in the Respondent establishment. The employment of the petitioner was only on casual basis. No appointment order was issued to her. So there was no question of her termination from service also. The petitioner is not entitled to any relief.

5. The petitioner has filed rejoinder denying the allegations in the Counter Statement and reiterating the case in the Claim Statement.

6. The evidence in the case consists of oral evidence of WW1 and MW1 and documents marked as Ext.W1 to Ext.W23 and Ext.M1

7. **The points for consideration in the case are:**

- (i) Whether termination of the petitioner from the service of the Respondent is legal and justified?
- (ii) What, if any is the relief to which the petitioner is entitled?

### **The Points**

8. The claim of the petitioner is that she had worked in the Respondent establishment during the period from 01.11.2012 to 28.02.2014 in a regular vacancy and she was terminated from service on 28.02.2014 without complying with Section-25(F) of the Industrial Disputes Act. According to her she is entitled to be reinstated in service and regularized in the permanent vacancy. The Respondent, though admitted that the petitioner had worked in the establishment has contended that she was engaged only as a casual labourer, that also during exigencies and she is not entitled to any of the reliefs claimed by her.

9. The petitioner has examined herself as WW1. In the Proof Affidavit filed by her in lieu of her Chief Examination she has asserted the case in the Claim Statement. There is the evidence given by MW1, the Assistant General Manager (IRS) of the Respondent denying the case of the petitioner.

10. Apart from her oral evidence the petitioner has tried to establish her case through the documents marked as Ext.W1 to Ext.W23 also. Ext.W2 is a communication of the Area Manager, Coimbatore addressing the General Manager stating that consequent to several retirements in the establishment there is acute shortage of employees and so persons are to be hired to carry out the works such as security, day-to-day depot operations work and data entry work. The letter requests the General Manager to grant permission to make arrangement for hiring persons. It could be seen from the subsequent documents that the request as per Ext.W2 was conceded to. The subsequent documents reveal that casual labourers were engaged and payments were made to them. Ext.W3 is the sanction accorded by the Area Manager for payment to casual labourers amounting to almost 200 in number for the month of November, 2012. Alongwith this document there is also the extract of the register showing that the petitioner was engaged in November, 2012 for 26 days. Ext.W4 is another sanction order for payment of wages for the month of December, 2012. The extract of the register of December, 2012 also is attached. This shows that the petitioner has worked for 27 days in this month. Ext.W5 is another such document in respect of January, 2013. In this month also the petitioner had worked for 27 days. Ext.W7 shows sanction for payment for February 2013. The petitioner seems to have worked for 27 days in this month also. Ext.W8 is the sanction order for payment of wages for the period from 01.03.2013 to 15.03.2013. The petitioner had worked for 13 days during this period. Ext.W9 is the sanction order for payment of wages for the second half of March, 2013. The extract of the register alongwith Ext.W9 reveals that the petitioner had worked for the entire 16 days during this period. Ext.W11 contains the file notes of the Respondent for the period from 14.05.2013 to 03.08.2013. This contains the note that labourers are to be engaged for the operations of the FCI. Ext.W14 is also file note to this effect.

11. Even though documents are not available on the side of the petitioner to prove that she was engaged continuously for the entire period claimed, when considered alongwith the statement of the Respondent and the evidence given by MW1 it could be assumed that she must have worked during the entire period claimed by her without any break. She has specifically stated in the Claim Statement that she had worked continuously during the period from 01.11.2012 to 28.02.2014. Though the Counter Statement states that the engagement of the petitioner was only for urgent purposes, there is no specific contention in the Counter Statement that she has not worked continuously as claimed by her in the Claim Statement. Apart from this is the evidence given by MW1 in this respect. The affidavit of this witness also does not put forth a case that the petitioner was not engaged continuously. There is also the admission by MW1 during his cross-examination that he was not working in the depot when the petitioner was working there and he has no personal knowledge of the employment of the petitioner. He had admitted that Exts.W22 and W23 are the copies of the Attendance Register. Ext.W22 is the Attendance Register for the month of October 2013 in respect of daily workers and Ext.W23 is the Attendance Register for November, 2012 to September, 2013. It is also admitted that the petitioner's name finds a place in these documents. Thus the Attendance Register produced by the petitioner, though for certain months would show that she was in continuous engagement during the period shown in the register.

12. It has been argued on behalf of the petitioner that she has tendered whatever evidence available with her to prove that she had been working in the establishment continuously and therefore the burden has shifted upon the Respondent

to establish that it was not so. The counsel has referred to the decision in KANPUR ELECTRICITY SUPPLY CO. LTD. VS. SHAMIM MIRZA reported in 2009 1 SCC (L&S) 70 to fortify his argument in this respect. In this the Apex Court has held that though the burden to prove that a claimant was in the employment of the particular management primarily lies on the person who claims to be so, the degree of proof so required varies from case to case and it is neither feasible nor advisable to lay down an abstract rule to defend the employer-employee relationship. It is essentially a question of fact to be determined by having regard to the cumulative effect of the entire material placed before the adjudicatory forum by the claimant and the management, it was further held. Reference was also made to the decision in DIRECTOR FISHERIES TERMINAL DEPARTMENT VS. BHIKUBHAI MEGHAJIBAI CHAVDA reported in 2010 1 SCC 47 in this respect. In this the Apex Court has observed that the workman who is hired on daily wage basis would be having difficulty to access all official documents in connection with his service and he having come forward and given evidence the burden of proof shifts to the employer to prove that he did not complete 240 days of service in the requisite period to constitute continuous service.

13. When the pattern of attendance of the petitioner in the Respondent establishment through the produced documents are taken into account alongwith the vague contention in the Counter Statement and the absence of evidence on the part of the Respondent it is very much apparent that the petitioner must have been working in the establishment continuously during the period claimed by her. Necessarily she must have completed 240 days of service in the 12 calendar years preceding the date on which her engagement was stopped.

14. There is no case for the Respondent that the termination of the petitioner is in compliance with the conditions prescribed in Section-25(F) of the Industrial Disputes Act. The petitioner was not given notice of termination nor was any compensation given. The case of the Respondent is that the petitioner having been a casual labour there is no necessity for complying with the section. Even a casual worker will come under the definition of the term workman as contemplated in the ID Act and the Respondent was bound to comply with Section-25(F) of the Act before the petitioner was sent away after stopping her engagement.

15. Now the question is whether the petitioner is entitled to the relief of reinstatement in the service of the Respondent and even regularization as claimed by her. Certainly, the petitioner is not entitled to the relief of regularization. There is no evidence to show that she was employed on a sanctioned post. She had worked in the establishment only for a year and two months, even according to her. The counsel for the Respondent has been strongly relying upon the decision in STATE OF KARNATAKA VS. UMA DEVI AND THREE OTHERS reported in 2006 4 SCC 1 to resist the case of regularization. There it was held that engagement without compliance with the norms of recruitment is illegal and such appointments could not be regularized except for the exceptions given in the decision itself. Of course, the decision in Uma Devi does not restrict the power of Industrial Tribunal to give proper relief in deserving cases. However, the case of the petitioner herein could not be termed as an appointment which is only irregular and not illegal. She is not entitled for regularization as claimed by her.

16. The petitioner need not be given even the relief of reinstatement also when the nature of the engagement and other circumstances are taken into account. In this respect the decision of the Apex Court in ASSISTANT ENGINEER, RAJASTHAN DEVELOPMENT CORPORATION AND ANOTHER VS. GITAM SINGH reported in 2013 5 SCC 136 is relevant. It was a case where the workman had worked only for 8 months as daily wager and his termination was held to be in contravention of Section-25(F) of the Industrial Disputes Act. The Apex Court has held after referring to the previous decisions on the point that it can be said without any fear or contradiction that it has not held as an absolute proposition that in cases of wrongful dismissal the dismissed employee is entitled to reinstatement in all situations but it has always been the view of the Court that there should be circumstances in a case which may make it expedient to order reinstatement. It was further held that though the normal rule is that the dismissed employee is entitled to reinstatement in cases of wrongful dismissal, it is not without exception and in so far as wrongful termination of daily rated worker is concerned, consequential relief would depend on a host of factors viz. manner and matter of appointment, nature of appointment and length of service and that where the length of engagement as daily wager has not been long, award of reinstatement should not follow but compensation should be directed to be paid. The relief of reinstatement awarded in the case has been set aside and direction was given to pay compensation.

17. In the present case the petitioner has been working as a casual labourer on daily wages. In the documents produced by the petitioner itself reference is as casual wager. The petitioner has worked with the establishment only for a little more than a year. The petitioner has admitted that she was not given any appointment order. It is clear that there was no appointment based on the Recruitment Rules, but only engagement on account of the shortage existing in the department. So rather than reinstatement, proper relief would be compensation. Considering the period for which the petitioner has worked the amount of compensation is fixed as Rs. 1,50,000/-.

18. In view of my discussion above, an award is passed as below:

The Respondent shall pay the petitioner an amount of Rs. 1,50,000/- as compensation within two months of publication of the Award. The amount will carry interest @ 7.5% per annum from the date of the Award, in case of default.

The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 26<sup>th</sup> September, 2016)

K. P. PRASANNA KUMARI, Presiding Officer

**Witnesses Examined:**

For the 1<sup>st</sup> Party/Petitioner : WW1, Ms. S. Sharmila  
For the 2<sup>nd</sup> Party/Management : MW1, Sri C. Saravanan

**Documents Marked:**

**On the petitioner's side**

Ex.No.	Date	Description
Ext.W1	06.12.2006	Circular issued by the Respondent regarding ban on engagement of casuals
Ext.W2	30.12.2012	Letter of Area Manager, FCI to the General Manager (TN), FCI
Ext.W3	07.12.2012	Sanction order for payment of wages to the employees working in Coimbatore Depot with annexures
Ext.W4	07.01.2013	Sanction order for payment of wages to the employees working in Coimbatore Depot with annexures
Ext.W5	16.02.2013	Sanction order for payment of wages to the employees working in Coimbatore Depot with annexures
Ext.W6	12.03.2013	Letter of Manager (D) to area Manager regarding engagement of employees on closed holidays
Ext.W7	13.03.2013	Sanction order for payment of wages to the employees working in Coimbatore Depot with annexures
Ext.W8	01.04.2013	Sanction order for payment of wages to the employees working in Coimbatore Depot with annexures
Ext.W9	17.04.2013	Sanction order for payment of wages to the employees working in Coimbatore Depot with annexures
Ext.W10	16.05.2013	Circular regarding recruitment of Watchman
Ext.W11	-	File Notes from 14.05.2013 to 03.08.2013
Ext.W12	19.09.2013	Order regarding fixation of minimum wages
Ext.W13	05.11.2013	Circular of the recruitment regarding minimum wages
Ext.W14	-	File Note from 31.09.2013 to 03.05.2014
Ext.W15	17.07.2014	Letter from the Area Manager to the petitioner
Ext.W16	28.07.2014	Office Order appointing 15 persons as Assistant Grade-III
Ext.W17	06.08.2014	Office Order appointing one person as Assistant Grade-III
Ext.W18	07.08.2014	Representation of the petitioner
Ext.W19	-	Reply filed by the Respondent before the Conciliation Officer
Ext.W20	05.03.2015	Letter of General Manager enclosing the minutes of meeting between the management and union
Ext.W21	20.04.2015	Representation of the petitioner
Ext.W22	-	Attendance sheet for the month of October 2013
Ext.W23	-	Attendance sheet from November 2012 to September, 2013

**On the Management's side**

Ex.No.	Date	Description
Ext.M1	-	Xerox copy of the Food Corporation of India Staff Regulations 1971 relating to recruitment

नई दिल्ली, 22 दिसम्बर, 2016

**का.आ. 2464.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. 31/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22.12.2016 को प्राप्त हुआ था।

[सं. एल-12012/232/1999-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 22nd December, 2016

**S.O. 2464.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 31/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the management of UCO Bank and their workmen, received by the Central Government on 22.12.2016.

[No. L-12012/232/1999-IR (B-II)]

RAVI KUMAR, Desk Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR**

**NO. CGIT/LC/R/31/2000**

Shri Ram Singh Ahirwar,  
Vallabh Nagar, 2, Jhuggi No.472,  
Near CIB Qtrs, Vallabh Nr. Ward No.36,  
Bhopal (MP)

... Workman

**Versus**

Assistant General Manager, UCO Bank,  
Regional Office, E-5, Arera Colony,  
Bhopal

...Management

**AWARD**

Passed on this 24<sup>th</sup> day of November, 2016

1. As per letter dated 14-1-2000 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12012/232/99/IR(B-II). The dispute under reference relates to:

“Whether the action of the management of UCO Bank in terminating the services of Shri Ramsingh Ahirwar S/o Bansilal Ahirwar w.e.f. 10-5-97 is justified? If not, to what relief the workman is entitled for?”

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Page 2/1 to 2/5. Case of workman is that he was appointed as peon on 9-11-88 in 2<sup>nd</sup> party No.3 Habibganj branch. He continuously worked with devotion till 10-5-97 for about 10 years. That he was engaged on daily wages Rs.15/-. Wages were increased to Rs.60 per day. 2<sup>nd</sup> party had settlement with Union dated 12-10-89 for regularization of daily wage employees. By settlement, circular dated 31-3-90 was issued by the management. That 2<sup>nd</sup> party No.3 had issued letter dated 1-2-94 furnishing information of daily wages, name of Ist party was shown letter at Sl.No.3.

3. Ist party workman reiterates that he was continuously working for more than 240 days during each of the year. His services were terminated without notice. He was eligible for regularization after completion of 240 days. Instead of regularizing his services, he was terminated without notice, retrenchment compensation was not paid to him.

Termination of his service is in violation of Section 25-F of ID act. While terminating his services, seniority list was not disclosed. Employees junior to him were continued. Policy of last come first go was not followed. Junior employees Abdul Alim, Ramabai, Deepak Kale, Laxmirayan Jatav were retained in service. Ist party was discriminated, he is unemployed after termination of his service. on such ground, workman prays for his reinstatement with backwages.

4. 2<sup>nd</sup> party filed Written Statement at Page 5/1 to 5/5 opposing claim of workman. 2<sup>nd</sup> party denies that Ist party was appointed as peon. As per 2<sup>nd</sup> party, workman was engaged as casual labour on daily wage basis, he was not appointed following the recruitment process. Workman was not continuously working from 9-11-88 to 10-5-97. He not completed continuous service for more than 240 days. Issuance of circular dated 19-10-89 is admitted by 2<sup>nd</sup> party. However it is contented that said circular provided for panel. The mode and particulars were given in the circular. Ist party had not submitted application as per the circular. Ist party workman was engaged as per exigency of work. He was engaged dehors the recruitment rules. Workman was intermittently engaged. Workman is not entitled to regularisation. As workman had not completed 240 days continuous service, he is not entitled to protection of ID Act. Workman was paid his remuneration, nothing is due against the 2<sup>nd</sup> party. For disengagement of workman, notice was not required. Workman did not deserve hearing in the matter. His representation to higher authorities were duly considered. The disengagement of workman doesnot amount to retrenchment. Daily wagger cannot be appointed against the vacancies. It is denied that Ist party workman is unemployed. Daily wagger cannot be regularized or absorbed in service. Bank is sustaining loss empanelled casual workers could not have absorbed. 2<sup>nd</sup> party has referred to judgment in Writ Petition no. 1339/98. On all its contentions, 2<sup>nd</sup> party prays that reference be answered in its favour.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of UCO Bank in terminating the services of Shri Ramsingh Ahirwar S/o Bansilal Ahirwar w.e.f. 10-5-97 is justified?	In Negative
(ii) If not, what relief the workman is entitled to?"	As per final order.

### REASONS

6. The terms of reference pertains to legality of termination of workman. Workman is challenging termination of his services for violation of Section 25-F of ID Act. Management has denied. Workman filed affidavit of his evidence. He has stated that he was appointed as peon against vacant post in Habibganj branch on 9-11-88. He was continuously working till 10-5-97. He was paid wages Rs.50 per day. wages were increased to Rs.60 per day. management had settlement with Union dated 12-10-89 for absorption/ regularisation of daily wage employees. Circular dated 31-3-90 was issued for its implementation. Letter dated 1-2-94 was sent by 2<sup>nd</sup> party No.3. his name was shown but he was not included in the panel. His services are terminated without notice. Junior employees are continued in service. in his cross, workman says appointment letter was not received by him. His name was not sponsored through Employment Exchange. He not submitted application for job he was doing work of sweeping and supplying drinking water and other works as per direction. He was paid wages at end of the week at less than collector rate. He doesnot know what was collector rate of daily wages at the relevant time. Settlement was arrived between management and Union dated 12-10-89. He submitted application for including his name for empanelment. He donot recollect said date. Copy of application is not produced. He denies to have made false statement. That he produced certificate P-4 regarding his continuous working. Workman was re-examined and documents Exhibit W-1 to W-20 were admitted in evidence.

7. In his cross examination, workman says Exhibit W-1 is not written on letter head, W-2 to W-6 are not bearing signature of Chief Manager. Exhibit W-7 was issued to him. He denies that said document is fabricated and false. Exhibit W-8 doesnot bear his signature. It also doesnot bear signature of any officer. W-9/1 to 9/15 were given to him by Chief Manager of the Bank. He says that those vouchers bear signature of Shri B.P.Vohra, Chief Manager. Consequently Exhibit W-10,11 was given to him, its original may be with the Bank. Exhibit W-12 to 16 were given to him by Manager. W-17 was given to him by Branch Manager. W-18 bears seal of the Bank but he doesnot bear signature of any authority. The entry of his attendance were submitted before Manager. Exhibit W-19 pertains to Arera colony branch. It is not mentioned in Exhibit W-19 it doesnot bear seal and signature of the officer. Exhibit W-20 doesnot bear the seal.

8. Affidavit of evidence of management's witness Omprakash Meena supports contentions of management in Written Statement. That Ist party was not appointed against vacant post, he was not appointed following selection rules.

Workman had not submitted application for appointment. Settlement dated 12-10-89 was issued by Head office for empanelment and absorption of persons engaged on daily wages. Workman had not submitted application as per circular. Workman had not completed 240 days continuous service. affidavit of evidence of management's witness refers to the evidence of workman and documents produced appears in the nature of argument. The contents of the affidavit in the nature of argument cannot be said evidence. Such affidavit cannot be appreciated. From evidence of management's witness, documents Exhibit M-1,2 are admitted in evidence.

9. Management's witness in his cross says workman did not worked under him. Appointment letter was not issued. Workman was engaged on daily wage basis but he was unable to tell the exact period. Workman worked in Arera colony, Habibganj branch. It is possible he worked in Bhopal Zonal office. Workman was not served with notice for termination. He claims ignorance whether Abdul Alim, Ramabai, Deepak Kale, Laxmirayan Jatav were working in the Bank. Retrenchment compensation was not paid to the workman. Management's witness claims ignorance whether seniority list was prepared when workman was terminated. He claims ignorance whether workman was continuously working from 1987 to May 97. Workman was working on part time basis was told to him by Law Officer. He was unable to tell why said fact was not pleaded in Written Statement. He was also unable to tell why it was not pleaded in Written Statement that workman was working for 2-3 hours in a day. management's witness admitted documents marked Exhibit W-21. He claims ignorance whether under letter dated 11-2-94, name of Ist party workman was sent for empanelment. He claims ignorance whether workman was working as cash peon and his services were terminated despite the work was available.

10. During course of argument, learned counsel for 2<sup>nd</sup> party Shri Bhattacharjee heavily argued that the documents produced by workman are fabricated and bogus. Documents Exhibit W-1 doesnot bear signature of General Manager (P). That in statement of claim, workman has mentioned about said document in Para 5 2<sup>nd</sup> party in reply to para-5 has admitted the contents in para-5 of the statement of claim. Therefore said document cannot be disbelieved. The circular dated 19-10-89 is produced on record, it pertains to empanelment and appointment of persons engaged on daily wages. The eligibility is mentioned in ipara 2 of the document. Workman has not produced document that he submitted application for his empanelment. Exhibit W-2 letter dated 1-2-92 heavily relied by counsel for workman Shri Dhote. Said document is not signed by any body. At Sl.No.3 name of Ramsingh Bans Agrawal is written, it doesnot tally with the name of workman. As said document is not bearing signature of any officer, no reliance could be placed on it. Documents Exhibit w-5,6 also donot bear signature and no reliance could be placed on those documents. Evidence of workman is supported by documents Certificate Exhibit W-21. Ist party workman was working in Arera colony branch, Bhopal. Certificate Exhibit W-7 shows Ist party workman was working in Habibganj branch in the year 1991. Exhibit W-8 shows payments made to the Ist party workman. Said document appears copy of the entries in the Bank account, it doesnot bear signature. When document is entries in the Bank Account, no signature is expected. The entries shown in Exhibit W-8 cannot be disbelieved. Workman produced documents Exhibit W-9/1 to 15 payments made to Ist party workman in Habibganj branch shows that he had worked more than 240 days. In Exhibit W-14, letter issued by Chief Manager, Zonal Office, Bhopal name of workman is appearing at Sl.No.3 finds reference about continuous working on daily wages for 3-6 years by Ist party workman and other two employees. Exhibit W-15 shows Chief Manager issued letter in pursuance of letter dated 2-2-94. The statement is annexed with said letter refers to name of workman and his working is shown in Divisional Office in Jan, Feb-1990. Exhibit W-16 letter dated 20-3-96 shows that workman was assigned work of collecting cheque, said letter is issued by Manager of Habibganj branch. Exhibit W-17 lettr dated 1-8-96 name of Ist party workman is shown working on daily wages along with Premchand and others. The signature is not completely appearing on zerox copies. Exhibit W-18 bears seal of the bank regarding payments entries. However name of workman is not appearing on the documents. Said document therefore doesnot corroborate claim of Ist party. In Exhibit W-19, payment of bonus amount Rs.14950 to workman is shown for period 1-4-95 to 31-3-96. In letter Exhibit W-20 dated 7-5-97 by Sr.Manager, it shows that workman was working in ithe Bank since November 1988, photocopy of statement as of 31-12-93 of Habibganj branch is enclosed. Evidence of Ist party is corroborating that he was working more than 240 days.

11. The application for production of documents was filed by workman. Documents were not produced. Exhibit M-1 produced by management is policy for recruitment dated 31-3-90. Workman has also produced said document on record.

12. Learned counsel for Ist party Shri Dhote submits that workman completed more than 240 days, his services are terminated without notice. Management's witness has claimed ignorance whether notice of termination was served on workman, retrenchment compensation was paid to him. Shri Dhote relies on ratio held in case between-

Jasmer Singh versus State of Haryana and another reported in 2015(4)SCC-458. Their Lordship considering muster roll Exhibit W-6 produced by appellant workman showing that appellant had worked for 22 days in September 93. In written statement, respondent employer categorically stating that appellant had worked for 231 days in first sub division. Their Lordship held workman had worked for more than 240 days in the establishment



of respondent employer immediately preceding date of his termination. Judgment of Labour Court about termination without compliance of Section 25-F of ID Act was upheld.

Shri Dhote relies on short note 2016-LLR-1227 on point that the law is well settled that if a party despite in possession of the best evidence has not produced the same adverse inference can be drawn against such a party.

In present case, workman has produced document payment vouchers, entries of payment made to him, management has not produced any documents regarding the working days of workman. Therefore evidence of Ist party workman deserves to be excluded.

Shri Dhote relies on ratio held in case between IIS.Rajashekara versus State Bank of Mysore and another reported in 2012-MPLSR-255(SC). Their Lordship dealing with violation of Section 25 B, F of ID Act. The petitioner had worked in several branches of State Bank of Mysore during the period 1985 to 97. He served for 292 days during 8-7-94 to 30-8-95 held it would be sufficient if petitioner would establish that he rendered service for more than 240 days in a block of 12 months. Directions were issued for absorption as permanent employee.

13. Learned counsel for 2<sup>nd</sup> party Shri Bhattacharjee relies on ratio held in case between

Surendra Nagar District Panchayat versus Dahyabhai Amarsing reported in 2006-SCC(L&S)38. Their Lordship held for applicability of Section 25-F, B of ID Act, facts must be established that (i) their existed relationship of employer employee, (ii) he is a workman under Section 2(s), (iii) establishment in which he is employed is an industry within meaning of the Act and (iv) he has put in not less than one year of continuous service as defined in Section 25 B under the employer. These conditions are cumulative. If any one is missing then Section 25-F will not be attracted. To get relief from court, workman has to establish that he has right to continue in service and that his service has been terminated without complying with provisions of Section 25-F.

Ratio held in the case doesnot support the contentions of management.

Reliance is also placed in case between Union of India and others versus Jummasa Diwan reported in 2006-SCC(L&S) 2037. Ratio held in the case pertains to when the project came to close, requirements of Section 25 N were not required to be complied. The Tribunal has correctly opined that the employment of respondent was not in an industrial establishment which would come within definition of factory in Section 2(m) of Factories Act, 1948. That dealing with continuous service, their Lordship held employment of casual employee in different establishments, even under the same employer held would not amount to his being in continuous service.

In his statement of claim, workman has pleaded that he was working in Habibganj branch whereas documents produced about his working is of Arera colony branch. The Bank cannot be said factory. Ratio held in 2015-4-SCC-458 is clear that work done in different sub divisions was considered while dealing with continuous service of the workman. As services of Ist party workman are terminated without notice, I record my finding in Point No.1 in Negative.

14. Point No.2- In view of my finding in Point No.1 termination of workman is found illegal, question is whether workman is entitled for reinstatement with backwages. Term of reference doesnot pertain to regularization workman had not submitted application for his absorption as per circular of 1989. Ist party workman was working on daily wages since 1988 to 1997. Shri Bhattacharjee Advocate relies on ratio held in case between

Union of India and others versus Bishamber Dutt reported in 997-SCC(L&S) 478. Their Lordship held persons appointed as part time employees de hors the rules, even though regularly working for a long time are not entitled to regularization.

Ratio held in case between Secretary State of Karnataka and others versus Umadevi and others reported in 2006-SCC(L&S) 753. Their Lordship held that it is erroneous for SC to consider equity of the handful of people who have approached the court with a claim whilst ignoring equity for the teeming millions seeking employment and a fair opportunity for competing for employment.

In case between Secretary to Government School Education Department, Chennai versus R.Govindaswamy and others reported in 2014(2)SCC(L&S)108. Their Lordship even temporary adhoc or daily wage service for a long number of years let along service for one or two years will not entitle such employee to claim regularization, if he is not working against a sanctioned post.

In case between Hari Nandan Prasad and another versus employer in relation to management of FCI and another reported in 2014(2)SCC(L&S) 408. Their Lordship held it would be difficult to give relief of reinstatement to persons who were engaged as daily wagers and whose services were terminated in a distant past and further

where the termination is held to be illegal only on technical ground of not adhering to the provisions of Section 25-F. of ID Act.

In case between Hari Nandan Prasad and another versus Food Corporation of India and another reported in 2014(2)SCC(L&S) 408. Their Lordship held it would be difficult to give relief by way of reinstatement with backwages or compensation matters to be considered. Nature of post, duration of engagement, delay in raising industrial dispute, time period which has elapsed from time of termination, technical violation of Section 25-F of ID Act.

In case between Vice Chancellor, Lucknow University, Lucknow, UP versus Akhilesh Kumar Khare and another reported in 2016(1) SCC(L&S)-186, his Lordship held daily rated employees not entitled to regularization found entitled to compensation if any.

15. Considering the period of workman of Ist party, compensation Rs. 2 Lakhs would be appropriate. Accordingly I record my finding in Point No.2.

16. In the result, award is passed as under:-

- (1) The action of the management of UCO Bank in terminating the services of Shri Ramsingh Ahirwar S/o Bansilal Ahirwar w.e.f. 10-5-97 is not proper and legal.
- (2) 2<sup>nd</sup> party is directed to pay compensation Rs. 2 Lakh to the workman .

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9 % interest per annum from the date of award till its realization.

R. B. PATLE, Presiding Officer

नई दिल्ली, 22 दिसम्बर, 2016

**का.आ. 2465.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, मुम्बई के पंचाट (संदर्भ सं. 13/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22.12.2016 को प्राप्त हुआ था।

[सं. एल-31011/5/2009-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 22nd December, 2016

**S.O. 2465.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 13/2010) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure in the Industrial Dispute between the management of Mumbai Port Trust, and their workmen, received by the Central Government on 22.12.2016.

[No. L-31011/5/2009-IR (B-II)]

RAVI KUMAR, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI

**PRESENT :** M. V. DESHPANDE, Presiding Officer

**REFERENCE NO. CGIT-2/13 of 2010**

**EMPLOYERS IN RELATION TO THE MANAGEMENT OF  
MUMBAI PORT TRUST**

The Chairman  
Mumbai Port Trust  
CP & IRM's Office  
Port Bhavan, S.V. Marg  
Mumbai 400 001.

**AND**

**THEIR WORKMEN**

The Secretary  
 Transport & Dock Workers' Union  
 P.D'mello Bhawan  
 P.D'mello Road  
 Carnac Bunder  
 Mumbai 400 038.

**APPEARANCES :**

FOR THE EMPLOYER : Mr. Umesh Nabar, Advocate  
 FOR THE WORKMAN : Mr. A.M. Koyande, Advocate

Mumbai, dated the 9<sup>th</sup> November 2016

**AWARD PART- II**

The Government of India, Ministry of Labour & Employment by its Order No.L- 31011/ 5 /2009-IR (B-II), dated 18.01.2010 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

*“Whether action of the management of Mumbai Port Trust, Mumbai in terminating the services of Shri Mohd. Shafique Ahmed, Sr. Wr. 182-c(86637) by way of imposing the penalty “Removal from services” vide order dated 29.08.2005 is legal, justified and proper? What relief the workman is entitled to ?”*

2. After receipt of the reference, notices were sent to both parties. In response to the notice, second party, union filed their Statement of Claim at Ex-7. According to the Union the workman Shri Mohd. Shafique Ahmed was a senior worker of the management. Dy. Dock Manager issued charge-sheet dt. 11/2/2005 alleging that, the worker remained absent unauthorisedly for 15 days on 6 occasions during the period 18/01/2000 till 20/12/2000 and from 17/6/2003 till the date of chargesheet i.e. 11/2/2005. It amount to violation of Regulation 3 (1/A) (ii) & 3 (1/A) (xii) of MbPT Employees Conduct Regulation 1976. The workman replied the charge-sheet stating that he was on sanctioned leave w.e.f 18/5/2003 to 16/3/2003 during the said period of leave unfortunately he had met with a road accident on 19/5/2003. Therefore he was under medical treatment from MbPT Hospital, Wadala. Due to the trauma and disturbance in his family life, he lost his sound sense. His parents treated him as if he was under influence of some malignant spirit and moved him at holy places. After persistent efforts of his family members the workman became normal and approached the Dy. Dock Manager's office for joining his duties vide his letter dt. 16/2/2005. But they asked him to approach MbPT Hospital, Wadala. The Medical Officer, MbPT Hospital checked him thoroughly and asked him to take rest from 23/2/2005 to 2/3/2005. Thereafter on 2/3/2005 Medical Officer issued fitness certificate to him. Again workman has given letter on 5/3/2005 to Dy. Dock Manager and requested to allow him to join his duties. However they conducted domestic inquiry against the workman w.e.f. 31/3/2005. The inquiry was concluded on 25/4/2005. Thereafter show-cause notice was issued on 2/7/2005. Workman replied the same. However they did not consider the fact pleaded by the workman and passed order dated 29/8/2005 removing the workman from services. The appeal of the workman was turned down. Review application was also rejected by the Chairman of the first party. Therefore workman raised industrial dispute. As conciliation failed, on the report of ALC (C), the Central Govt. Labour Ministry sent the reference to this Tribunal.

3. According to the workman the inquiry was not fair and proper. There was violation of principles of natural justice while conducting the inquiry. The findings of the I.O. are not based on the evidence on record. They are perverse. Therefore the union prays that the inquiry be declared not fair and proper and findings of Inquiry Officer be declared as perverse. The union also prays that punishment of removal from service awarded to the workman be set aside and he be reinstated in service with full back wages.

4. The first party management resisted the statement of claim vide its written statement at Ex-8. According to them the averments and allegations made in the statement of claim are false and contrary to the facts. The workman has intentionally violated the rules of discipline amounting to total disregard to the principle of dignity, sincerity and honesty. The workman was continuously absent unauthorisedly for 574 days from 7/6/2003 upto 11/2/2005 and has shown total disregard to the aforesaid principle of dignity, sincerity and honesty. For that act the workman was removed from services as it amounts to gross misconduct under Regulation 3 (1), 3 (1/A) (ii) & (xii) of the MbPT Employees Conduct Regulations, 1976. After holding legal, fair and proper inquiry against the workman, and after giving him full, fair and proper opportunity to defend himself, the Inquiry Officer has submitted his report. The inquiry was conducted in accordance with the principles of natural justice. The Inquiry Officer held him guilty. Show-cause notice was issued to him. He submitted his reply. After considering his reply, the Disciplinary Authority awarded the punishment of removal from services for the grave misconduct. The findings of the I.O. are not perverse. They are

based on the evidence on record. The allegations in the statement of claim are false. The medical certificate obtained by the workman does not deserve any consideration. The same was also not produced in the inquiry proceeding or before the disciplinary authority so also before the appellate authority or relieving authority. The misconduct was of grave nature and punishment of removal from service is not shockingly disproportionate to the proved misconduct. Therefore according to the first party the concerned workman is not entitled to any relief. Therefore they pray that the reference be dismissed with cost.

5. This Tribunal has passed Award Part – I and concluded that the inquiry is held fair and proper and the findings of the Inquiry Officer are not perverse. The parties are directed to argue / or lead evidence on the point of quantum of punishment relating to issue No. 3.

6. Concerned workman filed affidavit in lieu of examination-in-chief Ex. 34 on the point of quantum of punishment related to issue No.3. First party management has not adduced any oral evidence.

7. Following are the issues for my determination. I record my findings thereon for the reasons to follow:-

Sr. No.	Issues	Findings
1.	Whether the punishment of terminating his services is shockingly disproportionate to the proved misconduct ?	No.
2.	What relief the workman is entitled to ?	As per final order.
3.	What order ?	As per final order.

### REASONS

#### Issue No.3:-

8. According to the workman due to trauma and due to disturbance in his family life he lost his sound sense. According to him, his parents gave treatment to him and he was taken to holy places. In this respect, it will have to be said that the concerned workman has not filed any medical certificate or any medical evidence to show that he lost his sound sense due to trauma and due to disturbance in his family life. In his cross-examination he has admitted that he was absent on duty for the period from 2003 to 2005. He also admitted that he has not made any application for getting service to any other place after he has removed from service from the Port Trust. It appears that even during the inquiry proceedings he has not adduced evidence to prove that he was suffering from trauma and that he was taken to holy places by his parents. Mere statement of the concerned person Mohammed Shafik Rafiq Ahmed Shaikh in his affidavit is of no avail especially when he has not adduced any medical evidence even during the inquiry and before this tribunal to prove that his absence was due to trauma suffered by him due to disturbance of his family life. For want of evidence it will have to be said that his evidence to the effect that he remained absent on duty due to trauma due to disturbance of his family life and that he was taken to holy places by his parents is not acceptable since it has not been supported by the concrete evidence.

9. Even otherwise this tribunal has held that the inquiry conducted by the Inquiry Officer against the workman was just and legal with the findings of the Inquiry Officer are not perverse. So, now the question that creeps in is whether the punishment of removal from service of the concerned workman is proportionate or not ?

10. Learned Counsel for the First Party Management seeks to rely on the decision in case of State of Rajasthan & Anr. Vs. Mohammed Ayub Naz 2006 (I) CLR 401 wherein it is held that for unauthorized absence for 3 years the punishment for removal from service was not disproportionate.

11. Learned Counsel also seeks to rely on the decision in case of L & T Komatsu Limited Vs. N. Udaykumar 2008 (I) CLR 978 wherein it is held that habitual absenteeism is gross violation of discipline. Labour Court and High Court are not justified in directing reinstatement by interfering with the order of termination. In para 20 of the judgment, it has been observed that after introduction of Section 11 in the Industrial Disputes Act certain amount of discretion is vested with the Labour Court / Industrial Tribunal in interfering with the quantum of punishment awarded by the management whether the concerned workman is found guilty of misconduct. The said area of discretion has been very well defined by the various judgments and it is certainly not unlimited as has been observed by the Division Bench of High Court. The discretion which can be exercised under Section 11-A is available only on the existence of certain factors like punishment being disproportionate to the gravity of misconduct so as to satisfy the conscience of the Court or the existence of any mitigating circumstances are required for reduction of sentence or past conduct of the workman which may persuade the Labour Court to reduce the punishment.

12. In view of this legal position it can be said that in present case also there are no mitigating circumstances which require the reduction of sentence. It has not been proved by evidence that the concerned workman was suffering from

trauma due to disturbance of family life. His absence on duty for no good reason is gross violation of discipline. Even it appears that his appeal and review petition before the competent authority after the punishment was awarded to him have not been considered by the competent authority. He had remained un-authorisedly absent as a result of which the work of the employer was adversely affected. Disciplinary inquiry was conducted and the inquiry is also held to be legal and proper with the observation that findings of I.O. are not perverse. It is in that circumstances I find that in the present case there are no grounds for exercising discretion under Section 11-A of the Industrial Disputes Act.

13. Learned Counsel for the First Party Management also seeks to rely on the decision in the case of NRC Ltd. Vs. NRC Employees Union 2001 (III) CLR 286. In that case the allegations in the charge sheet were that (i) from the month of May 1993 the workman had remained absence unauthorisedly without sanction of leave on 13 occasions consisting of 14 full days and 4 ½ days. (ii) he had remained unauthorisedly absent on the days fixed or suffixed to the holidays (iii) He was continuously absent for one week between 11 – 15 of October 1993 on the ground of alleged illness and medical certificate which was produced was not reliable. Consequently, it was alleged that the workman had conducted misconduct of habitual absence without leave and gross negligence.

14. In the circumstances, it has been observed that Labour Court by Part I Award held that inquiry herein is just and fair and findings of guilt of misconduct is upheld. The question in this petition was whether the discretion exercised by the Labour Court under Section 11-A granting reinstatement without back wages was proper. It is held that the exercise of discretion by the Labour Court under Section 11-A was not proper.

15. Reliance is also placed on the decision in case of M.D. Kawade & Anr. Vs. Mahindra Eng. & Chemical Products Limited, Pune & Anr 2000 (I) CLR 545 wherein it is held that misconduct of the habitual absenteeism of the petitioner workman was duly proved and his dismissal was proper. It is held that workman must be always at work and not away from work and that should be our work culture.

16. In view of this legal position, it will have to be said that the punishment awarded to the concerned workman is not disproportionate to the alleged misconduct. He was absent at work for the period 18.1.2000 to 20.12.2000 for 15 days on 6 occasions and thereafter remained continuously absent unauthorisedly for 574 days from 17.6.2003 to 11.2.2005 in violation of Regulation 3 (1/A) (ii) and 3(1/A) (xii) of MbPT Employees Conduct Regulation 1976. Even it appears that in the review petition the workman admitted that he did not have the medical certificate and as such the same cannot be produced and in that circumstances the reviewing authority has not interfered with the order dated 19.09.2006.

17. Considering all these facts and the legal position that stands, I find that the punishment of terminating services of the workman is not disproportionate to the proved misconduct. This issue is therefore answered accordingly in the negative.

#### **Issue Nos. 4 & 5:-**

18. In view of my findings to the above issue, I hold that the workman is not entitled to any relief and therefore the reference is liable to be rejected.

#### **ORDER**

Reference is rejected with no order as to costs.

Date : 09/11/2016

M. V. DESHPANDE, Presiding Officer

नई दिल्ली, 22 दिसम्बर, 2016

**का.आ. 2466.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, मुम्बई के पंचाट (संदर्भ सं. 56/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22.12.2016 को प्राप्त हुआ था।

[सं. एल-31011/19/2007-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 22nd December, 2016

**S.O. 2466.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 56/2009) of the Central Government Industrial Tribunal-cum-

Labour Court No. 2, Mumbai as shown in the Annexure, in the Industrial Dispute between the management of Mumbai Port Trust, and their workmen, received by the Central Government on 22.12.2016.

[No. L-31011/19/2007-IR (B-II)]

RAVI KUMAR, Desk Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI**

**PRESENT : M. V. DESHPANDE, Presiding Officer**

**REFERENCE NO. CGIT-2/56 of 2009**

**EMPLOYERS IN RELATION TO THE MANAGEMENT OF  
MUMBAI PORT TRUST**

The Chairman  
Mumbai Port Trust  
Port House, Ballard Estate  
Mumbai 400 038.

**AND**

**THEIR WORKMAN**

The General Secretary  
Mumbai Port Trust Mazdoor Sangh  
Parvati Building  
7, Pitha Street, Off. Sir P.M. Road  
Mumbai 400 001.

**APPEARANCES:**

FOR THE EMPLOYER : Mr. M.B. Anchan, Advocate.

FOR THE WORKMEN : Ms. Kunda Samant, Advocate.

Mumbai, dated the 10<sup>th</sup> October, 2016.

**AWARD**

1. The Government of India, Ministry of Labour & Employment by its Order No.L-31011/19/2007-IR (B-II) dated 02/07/2009 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

*“Whether the action of the management of Mumbai Port Trust in denying promotion/selection to Shri Ramchandra Rane to the post of Winder (Electrical) is legal and justified? To what relief the workman concerned is entitled?”*

2. After receipt of the Reference notices were issued to both the parties. In response to the notice second party union has filed Statement of Claim Ex-5. According to him it is a Trade Union registered under the Trade Unions Act 1926 and represents the workmen employed in Mumbai Port Trust including concerned workman Shri Ramchandra B. Rane. Said Ramchandra Rane joined the services of the First party w.e.f. 14/6/1968 and was working in the Chief Mechanical Engineer's department. The said workman at the material time was working as Sr. Wireman Electrical establishment, Southern Division, MbPT.

3. According to the 2<sup>nd</sup> party union said workman worked sincerely, faithfully and diligently and maintained a clean and unblemished record of service. By dint of his hard work and merits, the said workman not only earned annual increments regularly in the posts held by him for time being but also to the higher post. He was promoted from his initial post of Mazdoor to the post of Assistant Wireman in the year 1989. Thereafter in April 1993 as wireman w.e.f. 2004, as Sr. Wireman and lastly he was legitimately aspiring, being eligible for the promotion for the post of in the higher scale of Supervisor. However, the said post was denied to him by conducting farce of tests and selection of two junior employees superseding the seniority and the post, experience of the said S. B. Rane. Theselection of two Jr. employees Shri J.P. Patel and Shri N.P. Kadam for promotion to the higher scale of supervision is illegal unjust in view of promotional rules, policies, seniority consideration, for promotion schedule to MbPT Employees Recruitment (Recruitment Seniority and Promotion) Regulations, 1973 for Class III & IV posts.

4. According to the union said workman Mr. Rane was holding PWD II Class license. He was promoted to Asstt. Wireman after passing Departmental Promotion Committee's test. He was again promoted as wireman in 1993, and by passing the D.P.C. in the skilled category where in the worked nearly for 10 years and thereafter in a highly skilled job for 3 years again passing D.P.C. he maintained his clean image. He regularly attended repairs and rewinding of various types/capacities of motors and equipment independently and accurately. He had done more than 250 jobs independently successfully. He had attended the job work of Grinder-Stator assembled tested and found O.K. and also one five H.P. Rotor rewinding on 13/12/1982. His work consisted of repairing of AC or DC ceiling fans and regulator for reverse connections or open circuit in regulator and use of merger. He was prevailing seventh pay scale of 10 pay scales prescribed for Class III and class IV employees of the First party.

5. According to union, the first party through Electrical Establishment C.M.E's Department where the concerned workman was working displayed a notice for filing the post of electrical winder invited applications willingness of the workmen who possess requisite qualifications on 25/11/2004. The willing workman including Mr. R.B. Rane appeared for oral examination on 13/4/2005 and for practical examination on 4/5/2005 and on 5/5/2005 Shri Rane is the Sr. most in the category doing the same work and having considerable experience that the candidates appeared in the test. He was drawing salary immediate, next to the notified post of electrical winder. Total 10 candidates appeared for the process of finding out suitability for promotional post of winder (E) the oral examination included drawing of diagram, out of which four candidates were declared as passed and were called for practical test. The said practical tests were held on 4/5/2005 and 5/5/2005 in respect of Shri Patel and Vaste and practical test for Shri Rane and Kadam was held on 5/5/2005 and 6/5/2005. The criteria for this promotional post are seniority-cum-merit.

6. According to the union for practical tests Shri Rane and Vaste were given 16-16 coils for rewinding but Shri Kadam and Patel were given 14 coils for rewinding. Shri Kadam's and Shri Rane's practical tests were held on 5/5/2005 and on 6/5/2005 respectively. Rane had completed his job on 6/5/2005 at 4.00 pm without any help from any outsider and reported to his regular work at 5.00 pm at EESD Yantra Bhavan, Indians Docks from Mazgaon, to attend to second shift, where as Shri Patel could not complete his job at 5.00 pm on 5/5/2005 but had completed at 5.15 pm. However Shri V.K. Patvardhan, Electrical Charge-man signed who was not authorized to conduct the practical test by openly favoring him over Shri R.B. Rane.

7. According to the union Departmental promotion had been conducted an oral test for the following workmen of the post of electrical winder:

- (i) 6 Mazdoor in the pay scale 3700-5830 (Class IV).
- (ii) 1 Sr. Wireman in the pay scale 4640-9550 (Class III) (Shri R B Rane).

The DPC met on 12<sup>th</sup> and 13<sup>th</sup> April, 2005 where they interviewed all the 7 employees. Out of these 7 employees, they declared 3 as failed and the remaining four were called for practical test. There were 3 Mazdoors Patel, Vaste and Kadam in the base-line pay scale of Rs. 3780-5830 Class IV and one (i.e. the workman) in the pay scale of Rs. 4640-9550 Class III. Accordingly, Shri Vardham conducted practical test as charge man (Mechanical) on 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> of May 2005 at the E.E.N.D. workshop by giving two full days of repairing and rewinding of ceiling fans. It was not only a drawing but also a comprehensive and rigorous test which the workman Shri Rane underwent for 2 days consisting of the following four stages:

- a) Fan-motor wiring, cutting and cleaning of starters.
- b) Selection of wire gauge and required equipment
- c) Rewinding the starter with termination of coils.
- d) Assembling and testing the fan motors.

For performance of each stage, it had a specific value (10+15 marks)

8. According to the union even though Shri R.B. Rane was senior most and suitable for the promotional post he was denied the same and was given to his Junior N.P. Kadam and J.B. Patel who were in Mazdoor category Class IV. Union therefore wrote letter dt 5/8/2005 to the Chief Mechanical Engineer (CME). Workman concerned gave two reminders on 29/8/2005 and on 30/09/2005 but his case was not considered. Therefore he applied in respect of examination conducted and the connected documents of other 3 candidates also under RTI 2005. So according to the union denial of promotion being unjust and illegal the union raised an Industrial Dispute demanding promotion to the workman Shri R.B. Rane as an Electrician in the scale of pay of next higher than the one in which he was working. First party declined to concede the demand of the union, and therefore approached the Conciliation Officer, Central for intervention in accordance with the provisions of Section 10 and 12 of I. D. Act. The conciliation proceedings were held which ended in failure. Union therefore filed writ petition being Writ Petition No. 212 of 2009 in the Hon'ble

High Court of judicature of Bombay wherein the Hon'ble High Court was pleased to order to the Union of India to make a fresh order in accordance with law.

9. So according to the union arbitrary denial of the promotion to workman Shri Rane has not only affected his career progression but monetary loss. It has prayed that the action of first party in denying promotion/selection to Shri R.B. Rane to post of winder (E) be held illegal. And it be held and declared that Shri Rane is entitled to promotional post of winder (electrical) from 27/7/2005 with consequential benefits arrears, retrial dues, including PF. Pension etc.

10. First party resisted the claim by filing Written Statement Ex-12. According to the first party management the action taken by the management of Mumbai Port Trust in denying the promotion to Mr. Rane to the post of Electrician winder is certainly legal and justified. As per MbPT Employees' (Recruitment, Seniority and Promotion) Regulations, 1977 for class III and Class IV posts, the eligibility criteria for the post of Electrician(winder) are that the employees from lower categories having completed 5 years of service in the lower category and possess PWD II class Wireman License. The posts of Electrical (winder) in Electrical Divisions are having common seniority amongst three Electrical Divisions channel to fill these posts by promotions. The prevailing procedure being adopted by this department for filing in the non-selection posts i.e. Electrician (winder), Electrician (Auto), Electrician (Refregn) etc. Which are not having hierarchical promotion channel is by inviting applications from the eligible candidates and holding prescribed oral exam and practical test by the Department Promotion Committee (DPC). In the oral exam, the candidate is required to obtain minimum pass mark of 15 out of 40 and in practical test 40 out of 60 and this procedure has withstood the test of time and no dispute whatsoever has been raised by any of the employees except Mr. Rane. Claiming the said promotional post of Electrician (Winder) on merely seniority basis is totally unfair and not justified. Thus the promotion to Mr. RB Rane has already been given as Asst. Wireman on 31/1/1989, wireman on 27/4/1993 and Sr. Wireman on 1/10/2004. Henceselection of two junior employees in the category of Mazdoor to the higher scale of supervisor on the basis of their skill and competency in the trade is justified and legitimate in accordance with the said procedures and regulations.

11. According to the 1<sup>st</sup> party Mr. Rane was working as a Mazdoor in 1982, the Mazdoor is not at all entrusted with the highly skilled and specialized jobs of rewinding of motors, etc.independently which are connected with the electricity. Being Sr. most amongst all the applicants, Mr. Rane was given opportunity at the first number to express and prove his ability in oral and practical test before the DPC. But he miserably failed on the practical test and ultimately, the DPC recommended him unsuitable of the promotional post of Electrician (Winder). The DPC test conducted in April/May 2005 was his third attempt. So the contention of Mr. Rane that he is the Sr. most in the category doing the same work and having considerable experience than the candidates appeared in the test is totally incorrect and is misleading. Category of wireman is coming under the hierarchical promotional post meant for the categories of the employees right from Mazdoor, Nawganee, Passenger liftman/Goods liftman to Asstt. Wireman and as such, the Wireman is not compared with the category of Electrician (Winder) which is falling under the special category of highly skilled and having expertise in the trade. Mr. Rane failed in the practical test as he made connection of fan motor terminals wrong as per the test report available in the records of this office. Therefore only clearing the oral and practical tests in the trade does matter. Once the tests are cleared, the applicants who are recommended suitable by the DPC are empanelled for promotional post on the basis of their seniority in feeder categories irrespective of their merit performance in the test. As regard the practical test given to Mr. Rane on 5/5/2005 and 6/5/2005 about the rewinding of ceiling fan having 16 coils, it is submitted that Mr. Rane failed to lodge any complaint with the then Supervisor in regard to difference in the coils of the ceiling fans given to individual candidates at the time of test. As such Mr. Rane's contention is that he had completed more than 250 jobs of rewinding works independently and accurately, he should have gained adequate ability and expertise in carrying out such rewinding jobs and passed the practical test conducted on ceiling fan in the first attempt itself in the year 1995. Even after a lapse of about 10 years, he miserably failed to gain the requisite expertise in rewinding work and thus, failed in third attempt also.

12. According to the 1<sup>st</sup> party management Mr. Rane did not possess required expertise in the field. The post of Electrician (Winder) is being filled in either by direct recruitment or by promotion amongst the eligible candidates after testing their knowledge, ability and skill in the trade by the DPC by conducting oral and practical test and not merely on the basis of service seniority or senior in the rank of hierarchical promotion. All the employees right from lower category of Mazdoor having completed five years' service in MbPT and holding PWD second class wireman license are eligible. Mr. Rane failed repeatedly in his attempt to get higher promotion to the post of Electrician (Winder). As he has failed in the test and found not suitable for the post of Electrician (Winder). As also, he is not a successful candidate and not promoted to the post of Electrician (Winder). Therefore he is not entitled to promotion to the post of Electrician (Winder). Therefore the 1<sup>st</sup> party prays that the Reference be rejected with costs.

13. In view of above pleadings following are the issues for my determination. I record my findings thereon for the reasons to follow:



Sr No	Issues	Findings
1.	Whether the action of management of Mumbai Port Trust in denying promotion/selection to Shri R. B. Rane to the post of Winder (Electrical) is legal and justified?	Yes.
2.	Whether Mr. Ramchandra Rane is entitled to get promotion and other benefits as prayed for?	No.
3.	What order?	As per order.

## REASONS

### **Issues nos. 1 & 2:**

14. Second party workman claims promotion to the post of Winder (Electrical) on the basis of seniority. Admittedly he joined the services of the first party on 14/6/1968 and was working in Chief Mechanical Engineer department. He was given higher post from the post of Mazdoor to the post of Assistant wiremen in 1989. He was given the post of wiremen in 1993 and in 2004 he was given post of senior wireman. So the standing point of dispute between the parties is whether selection of Shri J P Patel and Mr. N P Kadam is unjustified in view of promotion policies.

15. For, it is explicit that the promotion to the post of Electrician (winder) is to be accorded to the employees on the basis of their technical knowledge skill and requisite knowledge in the trade competency and not purely on seniority basis. It is pertinent to note that as per MbPT Employees Recruitment (Recruitment Seniority and Promotion) Regulations 1973 for Class III & IV posts the eligibility criteria for the post of electricity winder is that the employees from lower categories having completed 5 years of service in the lower category and possess PWD II class wireman License. The posts of electrical (winder) in Electrical Divisions are having common seniority amongst three Electrical Divisions EESD, EEND and EEWA. But there is no any specified channel to fill in these posts by promotions. The prevailing procedure being adopted by this department for filling in the non selection post i.e. Electrician (winder), Electrician (auto), Electrician (Refregn.) etc. are not having hierarchical promotion channel. It is by inviting applications from the eligible candidates and holding prescribed oral exam and practical test by the Departmental Promotion Committee (DPC). In the oral exam, the candidate is required to obtain minimum pass mark of 15 out of 40 and in practical test 40 out of 60 and this procedure has with stood the test of time. Now the question is whether Mr. Rane has qualified for the post to get promotion as Electrician (Winder).

16. Ld. counsel for the union submitted that Rane's service record is unblemished. He had to his credit letters of appreciation issued by the first party. Submission is to the effect that due to his sincerity hard work, the annual increments were given to him regularly and he was promoted from his initial post of Mazdoor to the post of Assistant Wireman in the year 1989. Thereafter, in April 1993 as wireman w.e.f. 2004, as Sr. Wireman. According to the Ld Counsel for union Mr. Rane was legitimately aspiring, being eligible for the promotion for the post of Supervisor and winder electrical in the higher scale. His submission is that Mr. J P Patel and Mr. Kadam were given promotion though they were junior to him and seniority aspect was not considered.

17. However, on going through the report of selection committee section EESD it appears that in practical work for motor winding and cutting and cleaning of Stator Mr. Rane secured 7 marks out of 10 marks. In Selection of wire gauge and required equipments he secured 7 out of 10 marks. In rewinding the stator with termination of coils he secured 18 out of 25 marks and in assembling testing of fan motor he secured 5 out of 15 marks. In total he secured 37 out of 60 marks and as per the remark of the section committee the marks of IVth steps are considered according to time taken for finishing the work and also held taken by candidates in progressing to next step. The candidate had done the winding connections wrong. Hence less mark are given for the IVth step. As per selection committees' report section CMEEEND, it appears that Mr. Rajendrakumar P. Vastein practical work for motor winding and cutting and cleaning of Stator secured 7 marks out of 10 marks. In Selection of wire gauge and required equipments he secured 7 out of 10 marks. In rewinding the stator with termination of coils he secured 17 out of 25 marks and in assembling testing of fan motor he secured 5 out of 15 marks. In total he secured 36 out of 60 marks. As per the committees' report selected candidate Mr. Jayantilal B Patel secured 44 out of 60 and as per the remarks of the committee Mr. Jayantilal Patel has completed the work satisfactory in given time of two days. Similarly selected candidate Mr. Nana Paya Kadam secured 49 out of 60 and as per the remarks of the committee he has completed the work satisfactory in the given time of two days. He has completed the work in one and half days only. So as per the report of selection committee Mr. Rane secured less marks as compared to the selected candidate and since his performance was not satisfactory so he was not given promotion.

18. Ld. Counsel for the union urged that lower post to Electrician (winder) is highly skilled (4640-9500) where as Mazdoor is the eighth category and it is not lower category but lowest and/or bottom category. Other three candidate

Mr. Vaste, Patel and Kadam belonged to Mazdoor category, Class IV where as Mr. Rane belonged to skilled category, Class III. This aspect was not taken into consideration while giving promotion. Submission is to the effect that there were no adverse report against Mr. Rane and Mazdoor who has not even worked as Assistant wireman are selected in the practical test. Submission is also to the effect that Mr. Rane was given 16-16 coils for rewinding but Shri Kadam and Patel were given 14-14 coils for rewinding. Mr. Rane's and Kadam's test were held on 5/5/2005 and 6/5/2005. However the practical test of Patel and Vaste were held on 4/5/2005 and 5/5/2005. According to him Mr. Rane had completed his job on 6/5/2005 at 4.pm without any help from any outsider and reported to his regular work at 5.00 pm at EESD Yantra Bhavan, Indians Docks from Mazgaon, to attend to second shift, where as Shri Patel could not complete his job at 5.00 pm on 5/5/2005 but had completed at 5.15 pm. However Shri V.K Patvardhan electrical charge-man signed who was not authorized to conduct the practical test by openly favoring of Mr. Patel who got selected. Submission is also to the effect that Mr. Rane had drawn the correct diagram and correct answers in oral examination and that his practical test was taken without presence of any DCP members. Therefore so called practical test was a false. These practical test are not authentic and even the remarks were written afterwards and remarks are not correct, since remarks were passed without inspecting job.

19. It is not possible to accept these submissions since it appears that Mr. Rane has not made any given DPC immediately after the exam were over. Even otherwise these submissions are not substantiated by adducing evidence to that effect. Even in his cross examination Mr. Rane has admitted that there were DPC for three times and considering his seniority he was considered for DPC for three times but then as per DPC report it appears that he could not pass oral examination and even secured less marks in the test as compared to the candidate who are selected. Since the promotion is based not only on the basis of seniority but it is based on seniority-cum-merits reports of DPC has significant value which were considered for giving promotion to the post of Electric (Winder).

20. Even it is admitted by Mr. Rane in cross examination that different officers attended three DPC's. It does not appear probable that these officers purposely failed him and favoured the selected candidate specially when there is record to show that Mr. Rane secured less marks as compared to selected candidate and even he could not pass oral examination successfully. There is absolutely no any evidence that mark-list is prepared later on by destroying the original and somebody else has signed instead of panel members of DPC namely Shri Rathod, Daware, and Varghese. It cannot be said therefore that denial of promotion is illegal and unjustified.

21. Ld Counsel for the management submitted that keeping in view the service seniority the promotion to Mr. R B Rane has already been given as Asst. Wireman on 31/1/1989, wireman on 27/4/1993 and Sr. Wireman on 1/10/2004. But so far the promotion of Electrical (wireman) it is based on seniority-cum-merit. Category of wireman is coming under hierarchical promotion post meant for categories of the employees right from Mazdoor, Nawganee, Passenger liftman/Goods liftman to Asst. Wireman and as such, the wireman is not compared with the category of Electrician (winder) which is falling under the special category of highly skilled and having expertise in the trade. Mr. Rane failed in practical test as he made the connection of fan motor terminals wrong. He was denied promotion and therefore the question of category employee i.e. class III and IV for filling in the non-hierarchical promotional post of Electrician (winder) does not arise. The applicants who are recommended suitable by the DPC are empanelled for promotional post on their seniority in feeder categories irrespective of their merit performance in the test. The submission appears to be probable that since there are documents on record to show that process of selection had completed as per promotional rules, policies, seniority consideration, for promotion schedule to MbPT Employees Recruitment (Recruitment Seniority and Promotion) Regulations 1973 for Class III & IV posts.

22. In view of above observations, I find that the denial of promotion, given to Mr. R.B. Rane to the post of Electrical (winder) is legal and justified. Therefore, Mr. Rane is not entitled to promotion and other benefits as claimed by him. Issues Nos. 1 and 2 are therefore answered accordingly.

23. In the result Reference is liable to be rejected.

### ORDER

Reference is rejected with no order as to costs.

Date: 10.10.2016

M. V. DESHPANDE, Presiding Officer

नई दिल्ली, 23 दिसम्बर, 2016

**का.आ. 2467.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कोरपोरेशन बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण/श्रम न्यायालय, बेंगलूर के पंचाट (सी.आर. 29/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23.12.2016 को प्राप्त हुआ था।

[सं. एल-12012/58/2016-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 23rd December, 2016

**S.O. 2467.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. C.R. No. 29/2016) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the Industrial Dispute between the management of Corporation Bank, and their workmen, received by the Central Government on 23.12.2016.

[No. L-12012/58/2016-IR (B-II)]

RAVI KUMAR, Desk Officer

### ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

DATED : 07<sup>th</sup> NOV., 2016

**PRESENT :** Shri V. S. RAVI, Presiding Officer

**C. R. No. 29/2016**

#### I Party

Sh. Nagaraj S.V,  
H No. 15/42, Karthik Nilaya,  
Nehrunagar, Sagara,  
Shimoga-577401

#### II Party

The Chairman,  
Corporation Bank Head Office,  
Mangalor-575001

### AWARD

1. The Central Government vide Order No. L-12012/58/2016 – IR(B-II) dated 05.09.2016 in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of Industrial Dispute act, 1947 has made this reference for adjudication with following Schedule :

### SCHEDULE

“Whether the management of Corporation Bank is justified in awarding the punishment of Compulsory retirement from services to Sri. S.V. Nagaraj? If not, what are the reliefs the workman is entitled to?”

2. After the receipt of the reference, the matter has been registered on the file of this Tribunal and notices have been sent for both parties. I party and II Party called absent for the hearing on 07.11.2016. Notice for hearing has been sent to I party and II party by RPAD and also this Tribunal received served postal acknowledgment from Department of Posts, India. Still, no representation has been made on behalf of I party and also II Party, and both parties called, absent.

3. Unfortunately, the Ist party has failed to make appearance before this Tribunal. Further, in the present matter, the Ist party has been furnished with sufficient and adequate opportunities to make his submissions, in the present case. It is the settled law, that the particular matter has to be judged, in the light of its facts and circumstances of the said matter only. Already, reasonable opportunities have been granted to the I party to make his submissions. Therefore, it would be laying down the proposition, a little too broadly, to say that, even in an Award passed, rejecting the Award for non-prosecution, it must be supported by elaborate reasons and details. After going through the material records, this Tribunal does not find any substance in the submission of the Ist Party. Further more it is seen that, the contentions of the Ist Party cannot be accepted for the above mentioned reasons also. Moreover, on the perusal of the material records, it can be very well said that the Ist Party is not interested to contest the present matter, on the question of fact and also on the question of law.

4. In the above mentioned circumstances, it would be very much clear in the present matter, that the Ist party has no interest to contest the present matter. It is for the Ist party to make out a case that she has a right to continue in service of management and that the management has done a mistake in discontinuing his services

5. Since no appearance has been made and also claim statement has not been filed and further, no case has been made out by Ist party and the present reference has only to be rejected for non prosecution. Therefore, keeping in view the conduct of Ist party in, not appearing before this Tribunal, despite due service of the notice, that too by way of RPAD and his conduct, in not filing claim statement, in support of the said reference, it is crystal clear that the Ist party is no more interested in prosecuting the claim against II party. In the result and also in above mentioned facts and situations, it has to be held the present reference has to be rejected, for non prosecution and no useful purpose will be served in keeping the proceedings any more pending. Hence the following.

#### AWARD

Reference is dismissed for non-prosecution.

(Dictated, transcribed, corrected and signed by me on 7<sup>th</sup> November, 2016)

V. S. RAVI, Presiding Officer

नई दिल्ली, 23 दिसम्बर, 2016

**का.आ. 2468.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बेंगलूर के पंचाट (संदर्भ सं. 04/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23.12.2016 को प्राप्त हुआ था।

[सं. एल-39025/1/2010-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 23rd December, 2016

**S.O. 2468.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 04/2016) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the Industrial Dispute between the management of Canara Bank, and their workmen, received by the Central Government on 23.12.2016.

[No. L-39025/1/2010-IR (B-II)]

RAVI KUMAR, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

DATED : 04<sup>th</sup> November, 2016

**PRESENT :** Shri V S RAVI, Presiding Officer (Hubli Camp)

#### I. D. No. 04/2016

#### I Party

Sh Basavaraj,  
S/o Nagappa Ballary,  
Post: Bankapur,  
Tq: Shiggaon, Dt: Haveri

#### II Party

1. The Canara Bank, Haveri Branch, Haveri, TQ:DT: Haveri
2. The Asst. General Manager, Canara Bank, Circle Office, HRM Section, IMA House, B N Nagar, Hubli-29
3. The Dy. General Manager, Canara Bank, Head Office No.112, JC Raod, Bangalore-560002.

#### AWARD

The petition U/s 2(A) of the Industrial Disputes (Amendment) Act 2010 (C) filed by the I party praying to set aside the order of dismissal dated 22.11.2013 and to direct the II party to reinstate the I party, into service with continuity of service and also with back wages and with all consequential benefits.

1. Brief details mentioned by the I party, in the Application are as follows:

The I party has been appointed as a P T E on daily wages basis on 12.01.2005 at: Canara Bank Branch, Haveri. Since from the date of appointment, the I party has sincerely worked to the entire satisfaction of the superiors, without

any blemish, in his service records, and the II party, by considering the service of I party, has regularized the service of the I party as a permanent employee on 15.05.2012. Since from the date of regularization, the I party has worked with the most sincerity in service of the II Party Bank. The I party has narrated the true facts with regard to the charges, but the respondent without considering the reply properly, has proceeded to hold the Departmental Enquiry against the I party. The custodian of the cheque books and the process of issuing cheque books and also process of passing cheques are within the ambit of respondent and the alleged transaction has been made through some third parties with a view to cause loss to the account holder. In the present case the account holder has not given any written complaint against the I party regarding the alleged charges. With a view to victimize, the I Party to any extent and with view to shift their negligence, on the duties, while performing money transactions, the II party has obtained signatures of the I party, on a blank paper and also shifted the burden as if the petitioner has committed the alleged, misconduct only with a view to make a scape goat. Signatures have been obtained in blank papers with a view to victimize the I party. The I party has not committed, any misconduct, as he has worked in the lower cadre only, and the I party has signed in the blank paper without raising any objection, as per the orders of the superiors. The signed paper has been, then, converted as a confession letter to the alleged charge sheet. It is further submitted that the Enquiry Officer, without affording sufficient opportunity to the petitioner, and also without properly looking into the facts of the case and without summoning the Account holder to the enquiry and also against principles of natural justice and Banking Rules and Regulations has passed the order. Further, without looking to the documents, properly the Appellate Authority and also, without considering the true facts of the case, has blindly proceeded to confirm the order dated 22.11.2013 passed by the II party. The I party has no source of Income to earn his daily bread to the family, and further the petitioner is age barred and also, due to unemployment from the date of dismissal, the I party is suffering a lot, both physically and also mentally due to, the order passed by the II party. Hence, the I party has requested to set aside to the order of dismissal dated 22.11.2013 and to direct the II party to reinstate the I party into continuity of service, with back wages and all consequential benefits.

2. On the receipt of the present Application, and also, registering it in I.D No.04/2016, notices have been issued to both parties and Sh. A.M. Patil, Advocate on 19.07.2016 has filed vakalat for the I party and whereas, for the respondent, no representation, has been made, and II party have been called thrice and also, remained, absent. Though notices of hearings have been issued to II party by RPAD and served postal acknowledgments, also received from Department of Posts, India, the II party has not appeared before this court and no representation is also made on behalf of the II party.

3. The pertinent point that arises for consideration, in the present matter, is:-

Whether, the I party is entitled to get relief, as prayed for in the present Application, for the reasons, and grounds stated therein?

4. **Point:-** the petitioner has filed affidavit to treat the same as examination in chief in the form of affidavit as per the provisions of the order XVIII Rule 4(1) C.P.C and also along with affidavit, I party has filed 4 exhibits, namely Ex W-1 to Ex W-4 in order to establish the submissions made in the application and the details of the Exhibits have been clearly pointed out, in the end of the present award. The applicant, apart from submitting the above mentioned details made in the present application, has also pointed out in the affidavit specifically that, in the present case the said account holder has not given any written complaint against the I party, regarding the alleged charges. Further, without summoning the account holder to the enquiry, the Enquiry Officer has blindly proceeded to hold the enquiry, against the principles of natural justice and against the Banking rules and Regulations and service code. Further more, the I party has specifically stated that, since from the date of dismissal, he has no other source of Income and he is also age barred and also, unemployed, from the date of dismissal and suffering the lot, both physically and mentally and also financially, by the order passed by the II party. Hence, the I party in the affidavit also specifically requested this court to set aside the order of dismissal dated 22.11.2013 and to direct the II party to reinstate him into service with continuity of service and also with back wages and with all consequential benefits.

5. Further the I party has also filed the below mentioned four exhibits and also clearly established that the respondents have failed to examine the important witness, namely the alleged account holder, whose account has been allegedly, utilized to withdraw money and also the respondents have not followed the principles of natural justice and doctrine of fairness and also reasonableness and the extreme punishment of termination, amounts to economic death to the I party and the action of II party is capricious, abusive and malafide exercise of power, amounting to victimization and unfair labour practices. Further, in order to establish the said submissions the First party has marked as Ex W-1 the proceedings of the Assistant General Manager dated 22.11.2013 and also Ex W-2 order of Disciplinary Authority. However, as per details mentioned, in, Ex W-3 the charge sheet has been issued to the I party and also it has been specifically mentioned that on 21.01.2013, the said customer made a complaint about the alleged withdrawal of money, without proper authorisation granted by him. However, the I party categorically stated that the said complaint has not been examined by the II party to establish the said allegations, made against the I party. Further, as per Ex W-4 a certificate has been issued by the Conciliation Officer to the effect that, no settlement has been reached and also the I

party has been advised to file his dispute before this Court. Accordingly, the I party has filed present application claiming the above mentioned reliefs and also established the same in accordance with Law. Further, the I party has pointed out that, after the dismissal from the service, he is without any employment and he is suffering a great hardship and also financial difficulty. Hence, the I party has requested to answer the points of dispute in favour of the I party and to direct the II party to reinstate him with all consequential benefits, like full back wages, continuity of service and all monetary benefits with costs of these proceedings, in the interest of equity and justice.

6. Further, the II party has miserably failed to establish the alleged misconduct, committed by I party, in accordance with law. Also, the II party management have failed to prove the charge made, as against the I party, and even, the II party, has failed to appear before this Court, even after the receipt of the registered notice of hearing. Further, I party has prayed to pass an award in this matter, granting him, full relief, as prayed in the claim statement and all appropriate relief as may deem fit, in the facts and circumstances of the case. Since the II party management have not made out any case as against the I party and II party is refusing, even to appear before this Court and also, delaying the matter and thus, causing the I party, the irreparable loss and mental agony to the I party.

7. Further, the learned counsel appearing for the I party has rightly submitted that the claim statement and evidence of I party have been left uncontroverted and unchallenged by the II party and hence the action of the management has to be held as illegal and unjustified. Further, submissions made on behalf of I party in the claim statement is not controverted or assailed by the II party, in an appropriate manner, know to law and hence this Court has no reason to disbelieve the submissions made on behalf of the I party in the claim statement, which is also established, in accordance with law. Further, the II party has failed to substantiate its action of imposing the penalty of removal from service as against the I party, as the legal action, and also, justified. Further, the II party has not produced any material records to establish that I party has been dismissed, as per the rules and also, in accordance with law. Further this Court, after considering materials available on record and considering the attitude of the II party, the Court is able to come to a conclusion that the I party is entitled to get relief as prayed for in the claim statement. Further, as per the law laid down by the Hon'ble Apex Court reported in AIR 1986 SC 1413, "Even if the burden of proof does not lie, on a party, the Court may draw an adverse inference if he withholds important documents in his possession which can throw light on the facts in issue in controversy and to rely upon the abstract doctrine of onus of proof." Further, no tenable submission has been made by the II party as to why the I party is not entitled to get relief as prayed for in the claim statement. Certainly, the II party has taken the Court proceedings, lightly and II party is not justified in terminating the service of the I party. For the above mentioned reasons, it found the I party is entitled to get relief as prayed for in the claim statement. For the above mentioned reasons, facts and circumstances, it is found that the II party has not established that the dismissal order of the I party has been passed, after following the appropriate Rules and Regulations. Hence, the following Award is passed by this Tribunal.

#### AWARD

The II party/management is not justified in imposing the punishment of dismissal from service on I party/Sh. Basavaraj and the said I party is entitled for reinstatement with full back wages, continuity of service and other consequential benefits that he would have received in the absence of the impugned penalty of dismissal from service.

(Dictated, transcribed, corrected and signed by me on 4th November, 2016)

V. S. RAVI, Presiding Officer

Witness on the side of I party: Basavaraj(W1)

Sl.No.	Particulars	Ex. Nos.
1	Proceedings of the Assistant General Manager, dated 22.11.2013	Ex W-1
2.	Orders of the Disciplinary Authority, dated 22.11.2013	Ex W-2
3.	Orders of the Appellate Authority along with the forwarding letter dated 19.06.2014	Ex W-3
4.	Certificate by the Conciliation Officer as provided u/s 2A of ID Act 1947 along with Covering letter dated 30.05.2016	Ex W-4

नई दिल्ली, 23 दिसम्बर, 2016

**का.आ. 2469.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कोरपोरेशन बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण/श्रम न्यायालय, बेंगलूर के पंचाट (सी.आर. 38/2015) को प्रकाशित करती है जो केन्द्रीय सरकार को 23.12.2016 को प्राप्त हुआ था।

[सं. एल-12012/58/2015-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 23rd December, 2016

**S.O. 2469.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. C.R. No. 38/2015) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the management of Corporation Bank, and their workmen, received by the Central Government on 23.12.2016.

[No. L-12012/58/2015-IR (B-II)]

RAVI KUMAR, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

DATED : 16<sup>th</sup> November, 2016

**PRESENT :** Shri V. S. RAVI, Presiding Officer

**C. R. No. 38/2015**

#### I Party

Sri Vamana,  
Laxmi Muthu,  
Sri Kuruvamba Temple Road,  
Kalbhavi, Kottara Derebali,  
Ashokanagar Post,  
Mangalore - 575006

#### II Party

The Assistant General Manager,  
Corporation Bank, Head Office,  
Mangal Devi Temple Road,  
Mangalore - 1

#### AWARD

1. The Central Government vide Order No.L-12012/58/2015-IR(B-II) dated 02.12.2015 in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of Industrial Dispute act, 1947 has made this reference for adjudication with following Schedule :

#### SCHEDULE

“Whether the action of the management of Corporation Bank in awarding the punishment of compulsory retirement from service to Sri Vamana is legal and justified? If not, to what relief the workman is entitled?”

- After the receipt of the reference, the matter has been registered on the file of this Tribunal and notices have been sent for both parties. None appeared for the Ist party and Ist party also called absent. In fact, notice of hearings have been sent to the I party by RPAD through the Department of Posts, India and Still, no representation has been made on behalf of I party and also, I party is called, absent.
- On perusal of records, already notices have been sent to both the parties. Hence, it is found that inspite of giving sufficient and adequate chances by issuing notices of hearing to I party, the I party has not made any appearance. In such circumstances, the matter is posted for passing Award, after the perusal of entire records brought on record.
- Further, from the above mentioned circumstances, it would be very much clear, in the present matter, that the I party has no interest to contest the present matter, inspite of the issuance of notices of hearing to the I party. It is for the I party to make out a case that I party is entitled to get the above mentioned relief and that the management has done a mistake by denying the said relief. Further, on behalf of the 2<sup>nd</sup> party, Mr. S R Kamalacharan Advocate of the 2<sup>nd</sup> Party filed vakalat on 29.09.2016 and reported that the 2<sup>nd</sup> party has not violated any provisions of the Rules and also, the I party has continued to refuse to perform the duties allotted to him, and thereby, causing dislocation to smooth functioning of the Branch of the II party, and the II party has imposed an order of Compulsory Retirement from the services of the Second Party Bank, with superannuation benefits, vide order dated 31.01.2014, in accordance with law. Under the above mentioned special circumstances and peculiar facts, this Tribunal is constrained to pass appropriate award, after the perusal of materials available on record.

5. Since, no appearance has been made and also claim statement has not been filed and further no case has been made out by I party and the present reference has only to be rejected for non-prosecution. Therefore, keeping in view the conduct of I party in, not appearing before this Tribunal, even though notices have been sent to the I party by way of RPAD and the conduct of I Party in not filing claim statement, in support of the said reference, it is crystal clear that the I party is no more interested in prosecuting the claim against II party. Further, on a perusal of the report of the Learned Conciliation Officer and Assistant Labour Commissioner, that, in spite of conciliation proceedings, taken in the present matter, the conciliation proceedings, also, ended in failure. Ultimately, the matter has been referred to this Tribunal. Further, the II Party has vividly pointed out that the I Party herein is not entitled to get any relief, in the present matter. In the result and also in above mentioned facts and situations, it is to be held that the present reference has to be rejected, for non prosecution and no useful purpose will be served in keeping the proceedings any more pending. Hence the following award.

#### AWARD

Reference is dismissed for non-prosecution.

(Dictated, transcribed, corrected and signed by me on 16<sup>th</sup> November, 2016).

V. S. RAVI, Presiding Officer

नई दिल्ली, 23 दिसम्बर, 2016

**का.आ. 2470.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विजया बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बेंगलूर के पंचाट (संदर्भ सं. 25/2005) को प्रकाशित करती है जो केन्द्रीय सरकार को 23.12.2016 को प्राप्त हुआ था।

[सं. एल-12012/139/2003-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 23rd December, 2016

**S.O. 2470.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 25/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the management of Vijaya Bank, and their workmen, received by the Central Government on 23.12.2016.

[No. L-12012/139/2003-IR (B-II)]

RAVI KUMAR, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

DATED : 02<sup>nd</sup> December, 2016

**PRESENT :** Shri V S RAVI, Presiding Officer

**C. R. No. 25/2005**

#### I Party

Sh M. E. Thimmappa,  
No.30, Chikkanna Layout,  
Pampamahakavi Road,  
Shankarapuram,  
Bangalore – 560004

#### II Party

The General Manager (P),  
Vijaya Bank,  
Head Office,  
41/2, M.G. Road,  
Bangalore – 560001

#### AWARD

1. The Central Government vide Order No.L-12012/139/2003-IR(B-II) dated 26.05.25005 in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of Industrial Dispute act, 1947 has made this reference for adjudication with following Schedule :



**SCHEDULE**

“Whether the claim of Shri M.E. Thimmappa S/o Sh. Erappa that he was appointed by the management of Vijaya Bank as a Temporary Sweeper on daily wage basis during the period from May 1985 to 02.06.2000 and terminated his services thereafter is correct? If so, what relief is the disputant concerned entitled to?”

2. In the Claim Statement the I Party has prayed to pass an Order to the effect that

“WHEREFORE, the I Party respectfully prays that this Hon’ble Tribunal may be pleased to hold that the II Party Management is not justified in terminating the services of the I Party w.e.f 02.06.2000 and set aside the order of illegal termination dated 02.06.2000 and further direct the II Party to reinstate the I Party workman in his original post with all consequential benefits like full backwages, permanency/regularisation of employment, continuity of service etc., along with the costs of these proceedings, in the interest of equity and justice.”

3. In the counter the II Party has stated that, Sri. M. E. Thimmappa was engaged as part-time sweeper on daily wage basis during the absence/leave period of regular sweeper in the said branch. He was engaged as a temporary sweeper intermittently from 1995 to 1999 and he was paid 1/3 of the regular wages for the period of his engagement. His engagement was purely temporary in nature on daily wage basis and his name was not sponsored through Employment Exchange. The Supreme Court of India in Union of India Vs. Haragopal and others reported in 1987 II LLN 20 has upheld the legal validity of the rules/guidelines framed by the Government of India. A temporary employee cannot equate his position with that of a permanent employee and cannot expect that same wages should be paid to him.

4. Further, I Party has Specifically stated in his deposition, that, he is presently residing at Door No. 6, Thiharepalayan, Balaji Nagar, Dhanalaxmi Traders (Opposite to) Bangalore, Mobile No. 8792493886, and the I Party has filed the memo with the details as follows:-

“The I Party submits that the II Party has offered him employment on 14.11.2014, and hence the I Party has no further interest in pursuing this dispute and withdraws all his claims against the II Party. Wherefore this Hon’ble Tribunal may be pleased to treat the matter as withdrawn by the I Party and pass an Award in the interest of justice and equity.”

5. Further, it is clearly stated that the I Party has no further interest in pursuing the present dispute and also withdraws all his claim against the II Party in the memo dated 09.06.2015, signed by the I party and also by the counsel for the I Party.

6. Further, from the above mentioned facts and circumstances, it would be very much clear, in the present matter, that the I party has no further interest to contest the present matter, and it is to be held that the present reference has to be disposed of, as not pressed as prayed for in the said memo dated 09.06.2015 and no useful purpose will be served in keeping the proceedings any more pending. Hence the following:

**AWARD**

Reference is disposed of, as not pressed as per the memo dated 09.06.2015, filed by the I Party and also signed by the counsel for the I Party.

(Dictated, transcribed, corrected and signed by me on 2<sup>nd</sup> December, 2016)

V. S. RAVI, Presiding Officer

नई दिल्ली, 23 दिसम्बर, 2016

**का.आ. 2471.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, नई दिल्ली के पंचाट (संदर्भ सं. 61/13) को प्रकाशित करती है जो केन्द्रीय सरकार को 23.12.2016 को प्राप्त हुआ था।

[सं. एल-12011/28/2013-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 23rd December, 2016

**S.O. 2471.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 61/13) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure in the Industrial Dispute between the management of Bank of Baroda, and their workmen, received by the Central Government on 23.12.2016.

[No. L-12011/28/2013-IR (B-II)]

RAVI KUMAR, Desk Officer

**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, DELHI****Present : Shri Harbansh Kumar Saxena****ID.No. 61/13**

The General Secretary,  
Bank Of Baroda Staff Association,  
Flat No. 106, Anand Aishway, 14/87,  
Civil Lines, Kanpur-208001

...Workman

**Versus**

The Dy. General Manager,  
Bank of Baroda, Bank of Baroda Bhawan,  
12<sup>th</sup> Floor, 16 Sansad Marg, New Delhi -110001,  
New Delhi

...Management.

**AWARD**

The Central Government in the Ministry of Labour vide Letter No. L-12011/28/2013-IR(B-II) dated 28.05.2013 referred the following Industrial Dispute to this Tribunal for adjudication :-

“Whether the action of the management of Bank of Baroda in holding the 2<sup>nd</sup> enquiry on the same set of charges against workman Sh. B.P.Deval in absence of any provision in bipartite settlement is justified, if not to what relief workman is entitled to?”

On 8.7.2013 reference was received in this Tribunal. Which was registered as I.D No. 61/13 and claimant was called upon to file claim statement within fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

On 12.08.2013 claim statement was filed by workman. Through which he prayed as follows:-

It is most respectfully prayed that this Hon’ble Tribunal be pleased to answer the reference in favour of workman and hold that the punishment of dismissal imposed by the management on the workman was totally illegal and in violation of the settlement dated 10.04.2002 and accordingly be further pleased to set-aside the same in the interest of justice.

Against claim statement management filed its written statement on 23.09.2013. Wherein management prayed as follows:-

1. That the reference made in the present case is bad in law and liable to be dismissed.
2. That the action of the management in terminating workman services is just and lawful and that the workman is not entitled to any relief whatsoever.

On 8.10.2015 I framed following issues:-

1. Whether the action of the management of Bank of Baroda in holding the 2<sup>nd</sup> enquiry on the same set of charges against Sh. B.P.Deval in absence of any provision in bipartite is justified? If so, its effect ?
2. To what relief the workman is entitled to and from which date?

And fixed 10.12.2015 for workman evidence.

Several opportunities given to workman to adduce his evidence but he remained failed to adduce his evidence. Hence this Tribunal closed the right of evidence of workman on 3.2.2016 and fixed 25.02.2016 for management evidence.

Management also not adduced any evidence as evidence of workman has already been closed.

Thereafter I heard the arguments of Ld. A/R for the management. Then I reserved the Award.

In these circumstances, this Tribunal has no option except to decide the reference in favour of management and against workman in want evidence of workman.

Which is accordingly decided. Claim statement is dismissed.

Award is accordingly passed.

Dated : 27/6/2016

HARBANSH KUMAR SAXENA, Presiding Officer

नई दिल्ली, 23 दिसम्बर, 2016

**का.आ. 2472.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार न्यू मंगलोर पोर्ट ट्रस्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बेंगलूर के पंचाट (सी.आर. सं. 86/2007) को प्रकाशित करती है जो केन्द्रीय सरकार को 23.12.2016 को प्राप्त हुआ था।

[सं. एल-45011/8/2006-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 23rd December, 2016

**S.O. 2472.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. C.R. No. 86/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the management of New Mangalore Port Trust, and their workmen, received by the Central Government on 23.12.2016.

[No. L-45011/8/2006-IR (B-II)]

RAVI KUMAR, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

DATED : 11<sup>th</sup> November, 2016

**PRESENT :** Shri V. S. RAVI, Presiding Officer (Mangalore Camp)

**C. R. No. 86/2007**

#### I Party

The General Secretary,  
Kanara Stevedoring Workers' Union,  
Q C Laboratory Building,  
Panambur,  
Mangalore – 575 010

#### II Party

The Traffic Manager,  
New Mangalore Port Trust,  
Regd. Cargo Handling Workers,  
Administrative Wing, Panambur,  
Mangalore – 575 010

#### Government order:-

No. L-45011/8/2006-IR(B-II) dated 02.07.2007, whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of New Mangalore Port Trust and their workmen in respect of the matters specified in the Schedule hereto annexed;

AND WHEREAS the Central Government considers it desirable to refer the said dispute for adjudication;

NOW THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby refers the said dispute for adjudication to the Cent. Govt. Indus. Tribunal-cum-Labour Court, BANGALORE.

#### SCHEDULE

“Whether the action of the Management of New Mangalore Port Trust for denial of ACP Scheme benefits w.e.f 01.01.1997 as per the Wage Revision settlement dated 02.08.2000 to 66 signalmen mentioned in the Annexure is legal and justified? If not, to what relief the concerned workman is entitled?”

2. In the claim statement, it is specifically stated as follows:

“That the Signalmen whose names are mentioned in the annexure to the points of dispute are now entitled to two financial upgradations as they have already completed 24 years of service. It is therefore prayed that this Honourable Court may be pleased to hold the points of dispute in favour of the first party workman and pass an Award directing the Second party to pay ACP benefits to the I Party workmen with interest and cost of the proceedings”.

3. However in the counter statement the II party has mentioned specifically as follows:

“The pattern of modified ACP Scheme has been changed from the existing 12 years and 24 years to 10, 20 & 30 years. Therefore, the action taken by the 2<sup>nd</sup> party management is justified and correct.

These Signalmen have been granted 2<sup>nd</sup> ACP on completion of their 24 years of service as per the guidelines mentioned in the Assured Career Progression Scheme dated 02.08.2000 and the claim of the I Party Union is not tenable”

4. Further Memo dated 17.12.2014, has been filed on behalf of II party stating as follows:-

“It is respectfully submitted that in view of the management of II party setting right the anomaly in the basic pay of Hatch workers/Store Workers, who have been promoted during 1992 as signalman, the present Reference does not survive for consideration and it is prayed that Reference may be closed as settled out of court, in the interest of justice & equity.”

5. Further, the I party has not raised any tenable objection regarding the memo filed on behalf of the II party; though settlement and adequate opportunities have been granted to the I party. Further, the present matter is pending from the year 2007 onwards. For the above mentioned reasons, it is seen that the present reference has to be disposed of, as per the request made on behalf of the II party in the above mentioned memo. It is for the I party to establish the rights mentioned in the claim statement. However, the I party has miserably failed to establish that the I party is entitled to get the above mentioned benefits.

6. For the above mentioned facts, and circumstances and also situation, it is found that the reference has to be disposed of, as per the request made by the II party in the said memo. Hence, the following award is passed.

#### AWARD

The present reference is rejected, as settled out of court, and also the present reference does not survive for consideration, for the above mentioned peculiar facts and special circumstances of the present matter.

(Dictated, transcribed, corrected and signed by me on 11<sup>th</sup> November, 2016)

V. S. RAVI, Presiding Officer

नई दिल्ली, 23 दिसम्बर, 2016

**का.आ. 2473.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ईसीएल के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ सं. 53/2006) को प्रकाशित करती है जो केन्द्रीय सरकार को 23.12.2016 को प्राप्त हुआ था।

[सं. एल-22012/264/2005-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 23rd December, 2016

**S.O. 2473.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 53/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the Industrial Dispute between the management of 3 & 4 Incline, Jhanjra Project of M/s. ECL and their workmen, received by the Central Government on 23.12.2016.

[No. L-22012/264/2005-IR (CM-II)]

RAJENDER SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL****PRESENT :** Sri Pramod Kumar Mishra, Presiding Officer**REFERENCE NO. 53 OF 2006****PARTIES:**

The management of 3 &amp; 4 Incline, Jhanjra Project, E.C L

**Vs.**

Sri Ashok Bouri

**REPRESENTATIVES:**

For the management : Sri P. K. Das, Ld. Advocate

For the union (Workman) : Sri S. K. Pandey, Union Representative

Industry : Coal

State : West Bengal

DATED : 11.11.2016

**AWARD**

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter **NO. L-22012/264/2005-IR(CM-II)** dated 10.08.2006 has been pleased to refer the following dispute for adjudication by this Tribunal.

**SCHEDULE**

“Whether the action of the management of 3 & 4 Incline, Jhanjra Project under Jhanjra Area of M/s. Eastern Coalfields Limited in dismissing Sri Ashok Bouri, Cleaning Mazdoor, U. M. No. 128513 w.e.f. 30.07.2005 is legal and justified? If not, to what relief is the workman entitled? ”

1. Having received the Order NO. L-22012/264/2005/IR(CM-II) dated 10.08.2006 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 53 of 2006 was registered on 18.09.2006. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative and filed their separate sets of written statement in support of their respective claims.

2. The Workman Shri Ashok Bouri has alleged in his written statement that he was in employment of the Company as Cleaning Mazdoor at 3 & 4 Incline-Jhanjra Project, Jhanjra Area of M/s. Eastern Coalfields Limited. While on duty in the underground he met with an accident on 11.10.2001 and he was admitted and got treatment at C.H. Kalla till 29.9.2003 Ashok Bouri reported for his duty with effect from 30.9.2003 after being declared fit. He performed his duty up to 05.10.2003. He reported for his further treatment at C.H., Kalla because he was facing trouble due to his old injury. Being declared fit, when he reported for his duty he was informed that a Chargesheet has been issued against him alleging his unauthorized absent from 6.10.2003 to 18.05.2004. In enquiry proceeding he submitted his treatment paper The Enquiry Officer without giving him opportunity to prove his innocence and without following the principle of natural justice conducted a departmental enquiry and passed the dismissal order of Shri Ashok Bouri. Management representative stated all false allegation against him. As per law not a single document was submitted and proved in his departmental enquiry. The Enquiry Officer and Presenting Officer were highly prejudiced and biased against the concerned workman The findings of the Enquiry Officer are not based on record. The dismissal of Ashok Bouri from Company service is illegal and unjustified. The workman belongs to down-trodden community and he is sitting without any job. His whole family is dying without meal. The workman has prayed that tribunal may direct the management of 3 & 4 Incline-Jhanjra Project of M/s. E.C L to reinstate the workman in service with payment of full back wages for the period from the date of dismissal with all consequential benefits.

3. On the other hand, the management of 3 & 4 Incline Jhanjra Project under Jhanjra Area has denied the allegation of the workman by filing written statement. The Agent 3 & 4 Incline Jhanjra Project of M/s E C Ltd has stated in his written statement that Ashok Bouri, Ex Cleaning Mazdoor, U.M No. 128513 was absent from duty from 6.10.2003 to 27.3.2004 unauthorisedly without any information. Later on Shri Bouri came to Colliery with some medical certificates claiming to be issued from C H Kalla for the period of his unauthorized absence. The treatment papers submitted by

Shri Ashok Bouri was sent to the Medical Officer, C.H. Kalla for verification. The Medical Officer, C.H. Kalla vide his letter No. CHA/CR/MTD/G/04/1407 dated 28.4.2004 confirmed that the sick certificate submitted by Shri Ashok Bouri was not genuine. Accordingly Shri Bouri was charge sheeted vide reference No. AGT/JNR/3 & 4/04/443/ dated 18/19.5.2004 under clause 26.1 and 26.20 for fraud and dishonesty in connection with employer's business and absence from duty for more than 10 days without sanctioned leave or sufficient cause. The Chargesheet was sent to Shri Ashok Bouri to his 'B' Form recorded home address. But Shri Bouri did not reply to the Chargesheet or sent any information. After lapse of time three notices were sent to Ashok Bouri at his home address recorded in the Office of Colliery. As per report of the Enquiry Officer the charges levelled against Bouri under Clause 26.1 and 26.29 were proved beyond reasonable doubt. Last five years attendance of Shri Ashok Bouri was as follows:- in 1999 -80 days, 2000- 194 days, 2001- 70 days, 2002 – Nil, 2003 – 02 days. Shri Ashok Bouri was punished previously with the stoppage of two annual increments. Shri Bouri was served with second show cause notice under reference No. GM/JNR/PER//08/2005/4043; dated 11/12.3.2005 along with copy of enquiry proceeding and findings at his home address. The reply of Shri Bouri to second show cause notice was unsatisfactory. Management was pleased to dismiss Shri Bouri from service vide Office Order No.GM/JNR/PER/08/2005/1260 dated 27/30.7.2005. The Agent, 3 & 4 Incline Jhanjra Project has denied that Management did not follow the principle of Natural justice or did not give reasonable opportunity to ex workman to prove his innocence. It has also been denied that management witnesses tendered false evidence against Shri Bouri The Agent has denied that the Enquiry Officer or Presenting Officer were prejudiced or biased against Shri Bouri. The Agent, 3 & 4 Incline-Jhanjra Project under Jhanjra Area has prayed that the action of management is totally justified. The workman is not entitled to any relief.

4. The workman has filed copy of enquiry proceeding, copy of treatment papers and copy of dismissal order. Shri Ashok Bouri has filed affidavit in his oral evidence. He has been cross-examined by the learned Advocate of 3 & 4 Incline-Jhanjra Project under Jhanjra Area.

The Agent, 3 & 4 Incline-Jhanjra Project under Jhanjra Area has not filed any documentary evidence or affidavit of any witness in their support.

I have heard the argument of Shri S.K. Pandey, the learned Union representative on behalf of workman and Shri P.K. Das the learned Advocate on behalf of 3 & 4 Incline-Jhanjra Project under Jhanjra Area.

5. Shri S K Pandey has argued that Shri Ashok Bouri was injured while he was on duty. He got his treatment being declared fit he joined his duties, but again from 6.10.2003 he was compelled to go under treatment at C. H. Kalla owing to his ailments. In enquiry none of the charges has been proved against Ashok Bouri. The Enquiry Officer has not examined the Medical Superintendent who has written the letter that the medical certificate is not genuine. In fact, Ashok Bouri was admitted at C.H Kalla. He filed medical papers, but it has not been considered by the Medical Officer. The Enquiry Officer has conducted enquiry in violation of principle of natural justice. Whereas Shri P.K Das has argued that concerned workman Shri Ashok Bouri had been habitual absentee and for his previous unauthorized absence he has been punished earlier. His medical papers are not genuine and his punishment is justified.

6. It is not disputed that Shri Ashok Bouri, Cleaning Mazdoor, U.M No.128513 was in employment of 3 & 4 Incline-Jhanjra Project under Jhanjra Area. He has been dismissed after domestic enquiry for false medical papers and unauthorized absence. The enquiry proceeding has been challenged by delinquent workman which has been denied by the management of 3 & 4 Incline-Jhanjra Project under Jhanjra Area. A workman owes on duty to his employer to exercise his reasonable care in the performance of his duty. A workman who deliberately neglects to carry out his work or perform his duty when required to do so with reasonable care will be guilty of misconduct. If he is absent from duty without sanctioned leave or information he is accountable to his employer, under certified standing order of M/s. Eastern Coalfields Limited. His negligence or misconduct can be ascertained after departmental enquiry. The departmental enquiry, commences with the service of Chargesheet. Before proceeding with the domestic enquiry against an offending workman, he must be informed clearly and accurately of the charges levelled against him. It is the duty of employer to indicate the delinquent employee not only the precise nature of the charges, but also the documents, if any, upon which the charges are bases. The Chargesheet should particularly set out the charges which the workman is called upon to show cause against and should also state the relevant particulars so that the delinquent workman may have opportunity to explain and defend himself. The object of his requirement is that the delinquent workman must know what he has charged with and have the opportunity to meet the charges and to give proper explanation after knowing the nature of offence, with which he has charged, otherwise he will amount being condemned unearthed. But copy of Chargesheet has not been filed by 3 & 4 Incline-Jhanjra Project. It is settled law that onus to prove misconduct of the workman is on employer. Therefore, the Agent 3 & 4 Incline-Jhanjra Project was under legal obligation to file the copy of Chargesheet and other relevant documents.

7. Hon'ble Supreme Court in Kashinath Dikshita VS. Union of India & Others (1986) 3 S.C.C, page 229 has held :

"No one facing a departmental enquiry can effectively meet the charges unless the copies of the relevant statements and documents to be used against him are made available to him. In the absence of such copies the

concerned employee cannot prepare his defence, cross-examine the witnesses and point out the inconsistencies with a view to show that the allegations are incredible. Observance of natural justice and due opportunity has been held to be an essential ingredient in disciplinary proceedings”.

8. From perusal of enquiry proceeding, statement of management witnesses and enquiry report, it transpires that delinquent workman Ashok Bouri was held liable for misconduct due to his unauthorized absence. He was also held liable for submitting false medical papers. Ashok Bouri submitted medical papers regarding his treatment for the period of his absence on duty. But as per information of Medical Superintendent of C.H. Kalla it was false. It is necessary to mention that letter of Medical Superintendent which is the basis of enquiry report has not been filed on the file of reference by the Agent, 3 & 4 Incline-Jhanjra Project. The delinquent workman Ashok Bouri has stated in his cross – examination during enquiry proceeding that he was under treatment of Dr. Sahu. It is Dr. Sahu who was able to give information about genuineness of medical papers. But it is strange that neither Dr. Sahu was examined as witness in enquiry proceeding nor his information was sought for by Enquiry Officer regarding genuineness of treatment paper of delinquent workman. Even treatment paper submitted by delinquent workman in enquiry proceeding upon which information was sought for by Medical Superintendent has not been filed before this Tribunal. Even letter of opinion of Medical Superintendent, C.H. Kalla has not been filed by the Agent, 3 & 4 Incline-Jhanjra Project.

9. Hon’ble Apex Court in *Krushnakant B Parmar V Union of India* and another reported in 2012(132) FLR 1023 (SC) has held that :

*“If the absence is the result of compelling circumstances under which it was not possible to report or perform duty, such absence cannot be held to be willful.*

*Absence from duty without any application or prior permission may amount to unauthorized absence, but it does not always mean willful. There may be different eventualities due to which an employee may abstain from duty, including compelling circumstances beyond his control like illness accident, hospitalization etc, but in such case the employee cannot be held guilty of failure of devotion to duty or behavior unbecoming of a Government servant.*

*In a departmental proceeding, if allegation of unauthorized absence from duty is made, the disciplinary authority is required to prove that the absence is willful, in absence of such finding, the absence will not amount to misconduct.”*

10. The statement of management representative was recorded on 5.10.2004 by the Enquiry Officer in presence of delinquent workman. The statement of delinquent workman was recorded by the Enquiry Officer on 5.10.2004. Thereafter delinquent workman was cross-examined by the Presenting Officer on 05.10.2004, but without affording opportunity to lead defence evidence to delinquent workman, The Enquiry Officer sent enquiry report on 5.10.2004. The opportunity to lead defence evidence is valuable right of delinquent workman. He had right in law to rebut the evidence submitted against him.. He had right to summon Dr. Sahu as defence witness to prove the genuineness of treatment/medical papers. Denial of opportunity to lead defence evidence to chargesheeted employee is utter violation of principle of natural justice. Even copy of second show-cause notice allegedly sent to delinquent workman has not been filed on record.

Hon’ble Supreme Court in *State of U. P. & another v/s C. S. Sharma*, AIR 1968 SC 158 has held that ‘ omission to give opportunity to an employee to produce his witnesses and lead evidence in his defence vitiates the proceedings. It was further held that a dismissal order has serious consequence and should be passed only after complying with the rules of natural justice.”

11. From perusal of materials available on record it is manifest that the Enquiry Officer has conducted the enquiry proceeding in utter violation of principle of natural justice. Several factors are required to be considered before passing order of punishment ;the period of absences from duty, whether the absence is willful or under compelling circumstances or it is willful negligence of the delinquent workman, nature of duties, right of delinquent workman in enquiry proceeding as well as validity of enquiry proceeding etc. Failure to take into account these materials before awarding the punishment will be fatal to the order of punishment. The order of dismissal, which is the major punishment, without a valid, lawful, un-vitiated and proper enquiry, the punishment of dismissal of any delinquent workman for mere absence of few months is illegal, unjustified and quite disproportionate to the unproved guilty of the delinquent workman, which must be modified.

12. The workman Shri Ashok Bouri has stated in para-11 of his written statement that he belongs to downtrodden community. He is sitting without any job. His whole family is dying without meal. This fact has not been rebutted by the Agent, 3 & 4 Incline-Jhanjra Project under Jhanjra Area in his written statement. The workman has stated in para-IV of his affidavit that he is illiterate. He is sitting without any job from the date of his dismissal. He has been cross examined by the learned Advocate of 3 & 4 Incline-Jhanjra Project, but his evidence on oath is un-shattered. It is apparent from the facts and evidence of the delinquent workman that he was not gainfully employed anywhere-else

during the period of dismissal i.e. from 30.7. 2005. The service excerpts has not been filed on record. The delinquent workman Shri Ashok Bouri has stated his age as 35 years in his affidavit filed in the year 2007. At present his approximate age would be near about 44 years. He is illiterate man and belongs to downtrodden community. Keeping in view this fact there is no possibility of getting alternate employment anywhere else Hon'ble Apex Court in Pawan Kumar Agarwala v/s General Manager-II & / Appointing Authority State Bank of India & Others, 2016 (148) FLR 865 has relied on Deepali Gundu Surwase v/s Kranti Junior Adhyapak Mahavidyalaya and Others, (2013) 10 SCC 324 :

*“The case in which the competent Court or Tribunal finds that the employer has acted in gross violation of the statutory provisions and/or the principles of natural justice or is guilty of victimizing the employee or workman, then the Court or Tribunal concerned will be fully justified in directing payment of full back wages.”*

13. It is settled law that ‘Consequential Benefit’ does not mean only back wages, it includes apart from back wages other service benefits such as, Promotion, fixation of seniority, increment, grant of other financial benefits admissible to the post, had he been in service.

14. In view of the discussions made above, the action of management of 3 & 4 Incline-Jhanjra Project under Jhanjra Area in M/s Eastern Coalfields Limited in dismissing Shri Ashok Bouri, Cleaning Mazdoor, U. M. No. 128513 with effect from 30.7.2005 is illegal and unjustified. The dismissal order of Shri Ashok Bouri dated 30.7.2005 is hereby set-aside. The management of 3 & 4 Incline-Jhanjra Project under Jhanjra Area of M/s Eastern Coalfields Limited is directed to reinstate Shri Ashok Bouri with full back wages from the date of order of dismissal i.e. from 30.7.2005 till his reinstatement. He is further directed that Shri Ashok Bouri will be entitled to get all consequential service benefits, e.g. promotion, increment, fixation of seniority etc. from the date of dismissals till his reinstatement. Ashok Bouri will be imposed a punishment of stoppage of 4 (Four) annual increments without cumulative effect.

#### ORDER

Let an “Award” be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 23 दिसम्बर, 2016

**का.आ. 2474.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डब्ल्यूसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. 77/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23.12.2016 को प्राप्त हुआ था।

[सं. एल-22012/24/2007-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 23rd December, 2016

**S.O. 2474.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 77/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the management of Western Coalfields Limited and their workmen, received by the Central Government on 23.12.2016.

[No. L-22012/24/2007-IR (CM-II)]

RAJENDER SINGH, Section Officer

#### ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR**

**NO. CGIT/LC/R/77/07**

The President, C.Mewa,  
Shakha Vekoli, Zonal,  
Ward No.10, Gudhi,  
PO Palachaurai,  
Chhindwara

...Workman/Union



**Versus**

Chief General Manager,  
Western Coalfields Limited,  
Kanhana Area, PO Dungaria,  
Chhindwara

...Management

**AWARD**

Passed on this 30<sup>th</sup> day of September 2016

1. As per letter dated 8-8-07 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-22012/24/2007-IR(CM-II). The dispute under reference relates to:

“Whether the action of the management of WCL for refusing appointment on compassionate ground to dependent of deceased workman namely Shri Dhannu on the ground of his non-regularisation/ permanent with the management is legal and justified? If not, to what relief is the dependent of the deceased workman entitled to?”

2. After receiving reference, notices were issued to the parties. Ist party Workers Association submitted statement of claim at Page 3/1 to 3/5. Case of workman Ist party is Late Dhannu General Mazdoor was working at Amla Colliery. He rendered service since 1975 to 2000 for almost 25 years. The settlement arrived between Union and management provides employee dying in harness during course of employment. His dependent would be given compassionate appointment. That the dependent of Late Dhannu was denied terminal benefit including the benefit of grant of compassionate appointment by the management of 2<sup>nd</sup> party. Application under Payment of Gratuity Act filed by Smt. Ramvati Bai widow of Late Dhannu was allowed by ALC, Nagpur. His dependent was denied compassionate appointment on the ground Late Dhannu was casual worker. The act of the management of 2<sup>nd</sup> party is arbitrary and violating the statutory provisions.

3. Ist party further submits the words workman who is engaged for decades together discharging duties as casual labour denying legal benefits by management is illegal. Ist party has referred to ratio held in case between Umadevi versus Mineral Exploration Corporation. Ist party prays that 2<sup>nd</sup> party management be directed to provide compassionate appointment to Shri Sukhlal S/o Late Dhannu.

4. 2<sup>nd</sup> party filed Written Statement opposing claim of Ist party. The case of 2<sup>nd</sup> party is claim for compassionate appointment as dependent of Late Dhannu General Mazdoor working in Amla Colliery cannot be allowed. That NCWA III deals with the employment to one dependent on permanently disabled worker. That Late Dhannu was engaged as casual labour in Ambara colliery during 1980-81. The attendance of Late Dhannu is shown in Para-8 of the Written Statement. Maximum working days are shown 160 days in 1985 and less than 240 days during 1982 to 2000. That deceased Dhannu was not regular employee. His dependent are not entitled to benefit of NCWA. JBCCI has issued guidelines vide circular No. 143 clarifying dependents of casual employees cannot be considered for employment as per clause 9.4.1 to 9/4/4 of NCWA. Therefore claim for compassionate appointment is not tenable. That meeting was held on 17-11-04 between recognized Union and the management. Management did not agree with the proposal of the Union. In Coal Mine Industry, provisions of dependent employment is governed by NCWA only for permanent employees. The dependents of casual employees are not entitled to such benefits. All adverse contentions of workman are denied.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of WCL for refusing appointment on compassionate ground to dependent of deceased workman namely Shri Dhannu on the ground of his non-regularisation/ permanent with the management is legal and justified?	In Affirmative
(ii) If not, what relief the workman is entitled to?”	Dependent of deceased Dhannu is not entitled to any relief.

**REASONS**

6. The term of reference pertains to denial of appointment on compassionate ground to son of deceased Dhannu. Ist party filed statement of claim. However it failed to adduce evidence in support of his claim. Evidence of Ist party is closed on 13-5-15.
7. 2<sup>nd</sup> party management filed affidavit of witness Umesh Kumar supporting its contentions in the Written Statement. Documents Exhibit M-1,2 are produced. Exhibit M-1 issued by JBCCI provides that dependents of casual employees could not be considered for employment as per clause 9/4/1 to 9/4/4 of NCWA-III. Exhibit M-2 also provides that dependent of casual employees should not be considered for employment under above clauses of NCWA-III.
8. The evidence of management's witness remained unchallenged. Ist party/ claimants has failed to adduce evidence in support of their claim. Therefore I record my finding in Point No.1 in Affirmative.
9. In the result, award is passed as under:-
- (1) The action of the management in refusing appointment on compassionate ground to dependent of deceased workman namely Shri Dhannu is legal.
  - (2) The son of Late Dhannu is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 26 दिसम्बर, 2016

**का.आ. 2475.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब ग्रामीण बैंक के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ सं. 8/2010) को प्रकाशित करती है जो केन्द्रीय सरकार को 26.12.2016 को प्राप्त हुआ था।

[सं. एल-12012/12/2010-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 26th December, 2016

**S.O. 2475.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 8/2010) of the Central Government Industrial Tribunal-cum-Labour Court-1, Chandigarh as shown in the Annexure in the Industrial Dispute between the management of Punjab Gramin Bank and their workmen, received by the Central Government on 26.12.2016.

[No. L-12012/12/2010-IR (B-I)]

B. S. BISHT, Section Officer

**ANNEXURE**

**BEFORE SHRI SURENDRA PRAKASH SINGH, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT-I, CHANDIGARH**

**Case No. ID No 8 of 2010**

Reference No. L-12012/12/2010/IR (B-I) dated 25.06.2010

Shri Anoop Kumar, S/o Sri Tikka Lal, R/o Abadi,  
Dhilwan Road, Dakoha, Jalandhar (Punjab)

...Workman.

**Versus**

1. The Chairman, Punjab Gramin Bank, Head Office,  
Jalandhar Road, Punjab, Kapurthala

...Respondent

**Appearances :**

For the Workman : In person.

For the Management : Shri Dinesh Goyal.

**AWARD**

Passed on: 14-06-2016

Government of India Ministry of Labour vide notification No. . L-12012/12/2010/IR (B-I) dated 25.06.2010 the Central Govt. has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of Punjab Gramin Bank, Kapurthala in imposing the punishment of termination of services on Shri Anoop Kumar, ex-cashier, is legal and justified? If not, what relief the workman is entitled?”

2. Brief facts of the case according to the workman are that workman was working as clerk-cum-cashier with the management. Vide order dated 31-01-2004 the disciplinary authority imposed the penalty of removal from service without disqualification for future employment. The appeal filed by the workman was also dismissed. It is further pleaded by the workman that the order dated 31-01-2004 is totally illegal, arbitrary and is not sustainable as the same is against the principles of natural justice which is without conducting any legal and valid departmental enquiry as the workman was not given any reasonable opportunity to defend himself during enquiry. It is further pleaded that no legal charges were framed against the workman, charge sheet was totally vague, baseless and without accompanying with relevant documents which form the bases of charge sheet. The workman was not given reasonable opportunity to reply to the charge sheet which was self contradictory and some of the charges are not related to the workman. The appointment of the enquiry officer was malafide as the enquiry officer earlier was the bank's vigilance officer who called the explanation of the workman regarding charges which formed the charge sheet ultimately served upon the workman which influenced the competent authority to issue the charge sheet and he was biased and cannot hold independent and impartial enquiry. It is pleaded that the proceeding conducted by such like enquiry officer bound to be tainted, therefore, the entire proceedings are vitiated. It is further pleaded that the workman was never afforded reasonable opportunity as the enquiry officer illegally and arbitrarily rejected the demand of the workman to summon the record which was most relevant and material for the defence of the workman and these documents go to the root of the matter and were to prove the total innocence of the workman. The enquiry officer intentionally and wilfully ignored the evidence and documents which pointed towards the complete innocence of the workman and enquiry officer has come to the biased conclusions on the basis of the unauthenticated and partial documents. It is further pleaded that there was no complaint from any customer against the workman and the enquiry officer believed the official witnesses as gospel truth which shows the worst type of bias on the part of the enquiry officer. The findings of the enquiry officer are ipsedixit and are perverse which are totally against the evidence and documents and it is proved fact that all the withdrawal slips vide which the amount has been withdrawn from the different accounts have been filled in the hand of the then manager shri D.R.Duggal who is main person responsible for the alleged irregularities who was let off by only imposing the penalty of stoppage of two increments. It is further pleaded that the enquiry officer completed his enquiry proceedings on 18.12.2003 and he presenting officer submitted his brief on 30.12.2003 which were received by the workman on 2.1.2004. the workman submitted his brief on 10.1.2004 but the enquiry officer submitted his report on 1.1.2004 which caused great prejudice to the workman in as much as the defence was not considered by the enquiry officer. The order dated 31.1.2004 is non speaking, cryptic and shows totally non application of mind by the punishing authority. The appeal of the workman was also rejected which is totally illegal in view of the fact that the disciplinary authority also part of the board who heard the appeal of the workman and the workman was also not provided personal hearing which is against the principles of natural justice. The workman also submitted that punishment is also harsh and not proportionate to the gravity of misconduct. The workman has unblemished service of more than 20 years and in a similar circumstances Mr. Duggal who infact was responsible for the irregularity was let off by imposing meagre penalty of stoppage of two increments with cumulative effect where as the workman was removed from service. The workman prayed that his termination is illegal and against the principle of natural justice and he may be reinstated in service with continuity and with all consequential benefits.

3. The management filed reply in which preliminary objection has been taken that in the present case after detailed enquiry, the allegation levelled against the workman was found to be correct and the workman was removed from service and the punishment was in commensurate to the guilt of the workman. It is further submitted by the management that Mr.D.R.Duggal was charges sheeted on 1.10.2003 and detailed enquiry was conducted against h and he admitted all the charges voluntarily and vide order dated 9.2.2004 major penalty of reduction to the lower grade from officer Scale-II to Officer Scale-I was imposed upon him. The workman misappropriated cash deposits by the depositors by making 58 fictitious entries amounting to Rs. 579300/- in different bank accounts. He further misappropriated an amount of Rs. 544500/- by not debiting 12 withdrawal slips out of which signatures on nine withdrawals were forged and in order to cover up his above acts of omission and commissions constituting major misconduct, the workman casted, totalled and tallied the head of savings balance of various months fraudulently. The workman did not submit his reply to the charge sheet and departmental enquiry was instituted and enquiry officer as well as presenting officer were appointed. The charges were read over to the workman. List of documents and witnesses were taken on record and copies were provided to him. The fair and proper enquiry was conducted against the workman. He was allowed to inspect the documents. His defence representative was allowed to cross examine the

witnesses of the management. The enquiry officer submitted his report of finding on 6-1-2004 to the disciplinary authority who issued show cause notice dated 22-1-2004 proposing penalty of removal from bank's service which shall not be a disqualification for future employment. Workman was also allowed personal hearing which was availed by him on 28-1-2004. The disciplinary authority after carefully considering all the material on record awarded the punishment of removal from bank's service which shall not be a disqualification for future employment. The appeal of the workman was also dismissed by a speaking order. The workman vide his representation dated 1-8-2005 requested for review of the order of the appellate authority but his review application was not considered. The workman admitted the charges in his letter dated 22-8-2003. The workman was given full opportunity to defend himself during enquiry. All the documents were provided to the workman. The finding of enquiry officer are based on record produced during enquiry and his finding are reasoned and after evaluation of evidence. It is further submitted by the management that the case of the workman and the case of Sh. D.R.Duggal referred above have been decided and dealt with on their respective merits. It is prayed by the management that the action of the management is legal, just, proper and in accordance with law and claim of the workman may be filed.

4. The workman in rejoinder reiterated the claim made in the claim statement.

5. Both the parties submitted documents i.e. proceedings of the enquiry, charge sheet, enquiry report, order of the disciplinary authority as well as appellate authority and other number of documents.

6. Earlier the parties were heard on the issue of fairness of enquiry and this Tribunal vide order dated 26-12-2013 held that the enquiry was conducted in fair and proper manner in accordance with the principle of the natural justice and there was no infirmity in conducting the enquiry and parties were directed to lead evidence on the issue of perversity in decision making and quantum of punishment.

7. The workman examined Virender pal Branch Manager, Punjab Gramin Bank as WW1.

8. The management did not examine any witness on the point of perversity and quantum of punishment.

9. WW1 Varinder Pal in his examination in chief stated "after making entry clerk present the withdrawal form before the officer of the branch for passing the withdrawal form. After passing the withdrawal form is sent to the cashier for payment.--- In September 2000 Mr. D.R.Duggal was the branch manager.-----Documents Ex.W1 to Ex.w10 tendered at the time of examination. Documents Ex.W1 to W4 and W6 to W9 were passed by Mr.Duggal Branch Manager. I am not sure whether Ex.w1 to W10 are in the handwriting of Mr.D.R.Duggal the then branch manager. I have seen Mr. Duggal writing before me. I was examined as management's witness in departmental enquiry. In departmental enquiry I stated before the enquiry officer that the withdrawals slips were filled by Shri D.R.Duggal. I do not deny that the withdrawals slips were not in the handwriting of Mr. Duggal. In departmental enquiry I stated 12 years before, therefore, today I stated that I am not sure whether the withdrawals slips were in the hands of Mr. D.R.Duggal." This witness further stated that if a withdrawal slip is passed by the manager, the cashier can not deny the payment and he is bound to pay. This witness further stated "it is correct as per record Ex.W11 that workman Anoop Kumar was on leave on 7.12.2001. In charge sheet charge No.2 at serial No.12 it has been mentioned that Anoop Kumar allegedly committed fraud on 7.12.2001 of Rs. 10000/-. Vol. stated that this charge has not been proved. In enquiry report at page A22, it has been mentioned that charge No.2 proved."

10. As the departmental enquiry has been held fair and proper vide this Tribunal order dated 26.12.2013. So far the issue of perversity in decision making and quantum of punishment is concerned, the workman pointed out that the chairman who passed the order against the workman as disciplinary authority headed the board of appellate authority as well. Regarding this submission, the workman pointed out that on 28.10.2010 my learned predecessor in office passed detailed order citing that the chairman has acted as disciplinary authority as well as appellate authority which is against the principle of natural justice. No person can award the punishment and can hear the appeal against the punishment so awarded. In such case, the appellate authority can not be termed as detached and fair and vide this order, the order of appellate authority was set-aside and the management was directed to decide the appeal as a fresh and it was specifically directed that the appellate authority must not be chaired by the chairman who has acted as disciplinary authority while awarding punishment. The management complied with the order and passed the same order.

11. Workman submitted that management has acted arbitrarily while awarding the punishment of removal from services without disqualification for future employment whereas the branch manager who was equally responsible was awarded lesser punishment of reduction to the lower grade from officer scale-II to officer scale-I. It is pertinent to mention that from the statement of sole witness (WW1 Varinder Pal) examined by the workman, it is clear that most of the withdrawals slips were in the handwriting of the manager of Sh. D.R.Duggal. In departmental enquiry this witness admitted that pay in slip are in the handwriting of Mr. D.R.Duggal the then branch manager and withdrawals slip passed by Sh. D.R.Duggal. This witness also stated that if the withdrawals slip is passed by the branch manager then the cashier bound to pay. The workman submitted that he has been awarded the capital punishment of removal from services whereas Shri Duggal was found guilty and was given lesser punishment and retained in service, therefore, the same may be substituted by lesser punishment by invoking powers under section 11-A of the Industrial Disputes Act 1947.

12. Section 11-A of the I.D. Act 1947 provides as under:

“11A. Powers of Labour Courts, Tribunals and National Tribunals to give appropriate relief in case of discharges on dismissal of workmen.—Where an industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require”.

13. The workman in its written arguments also submitted that in the case of Mr. Uma Kumar Versus Super Bazar, Co operative Store Ltd. reported in LLR 1991 page 320 the Hon'ble High Court Delhi has held that dismissal is too harsh and held that it would meet the ends of justice if the punishment of stoppage of three increments without future effects with reinstatement of services imposed. In my considered view, it is fit case where the powers U/S 11A of the I.D. Act 1947 should be exercised. Thus the punishment from removal from service is set-aside and substituted with that of reinstatement with stoppage of three increments with cumulative effect but without back wages from the date of removal from service to the date of reinstatement. The management is directed to reinstate the workman in service within one month from the date of publication of the award.

14. Reference is answered accordingly. Central Govt. be informed. Soft copy as well as hard copy be sent to the Central Govt. for publication.

Chandigarh  
14.06.2016

S. P. SINGH, Presiding Officer

नई दिल्ली, 26 दिसम्बर, 2016

**का.आ. 2476.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-II, दिल्ली के पंचाट (संदर्भ सं. 54/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 26.12.2016 को प्राप्त हुआ था।

[सं. एल-12011/24/2011-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 26th December, 2016

**S.O. 2476.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 54/2011) of the Central Government Industrial Tribunal-cum-Labour Court-II, Delhi as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 26.12.2016.

[No. L-12011/24/2011-IR (B-I)]

B. S. BISHT, Section Officer

#### ANNEXURE

**BEFORE SH. HARBANSH KUMAR SAXENA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO-II, KARKARDOOMA COURT COMPLEX, NEW DELHI**

**ID. No. 54/2011**

Sh. Chander Singh Rathee,  
H. No. 976, Sector-2,  
Huda Rohtak

...Workman

#### Versus

State Bank of India  
Through Asstt. General Manager(Ops),  
Zonal Office Haryana, Plot No. 1 & 2,  
Sector- 5, Panchkula (Haryana)

...Management

**AWARD**

On 28.07.2011 Ministry of Labour of Government of India send reference No. L-12011/24/2011 (IR(B-I)) to this tribunal for adjudication, “Whether the action of management of State Bank of India, Panchkula is not promoting to Sh. Chander Singh Rathee, Senior Assistant to special Assistant w.e.f. 01.06.2006 giving him the benefit of added two years service available to ex-serviceman, is legal and justified? To what relief the workman is entitled?”

Aforesaid reference was received in this tribunal on 05.08.2011. Which was register as ID No. 54/2011.

Notice to parties were issued fixing 20.10.2011 for filing of claim statement by workman within fifteen days from the receipt of notice complete with relevant documents, list of reliance and witness.

On 20.10.2011 workman filed his claim/statement. Copy of which given to other party. Fixed 16.12.2011 for filing of written statement.

On 16.12.2011 management sought adjournment. Which was allowed and 05.01.2012 was fixed for filing of written statement.

On 05.01.2012 management filed its written statement. Copy of which supplied to workman. Fixed 17.02.2012 for replication etc.

On 17.02.2012 workman filed his replication. Fixed 19.04.2012 for filing of documents, A/D of documents and framing of issues.

On 19.04.2012 my Ld. Predecessor heard Ld. A/Rs for parties. They submitted that no issue other than the one mentioned in the reference requires to be framed in this case. In view of this, 12.07.2012 was fixed for workman evidence by way of affidavit.

On 12.07.2012 evidence by way of affidavit filed by workman. Copy of which given to the other party. Fixed 27.08.2012 for tendering of affidavit of workman and his cross-examination.

On 27.08.2012 workman tender his affidavit. He was cross examined and his cross-examination and his cross-examination concluded. Thereafter workman closed his evidence then fixed 06.11.2012 for management evidence by way of affidavit.

On 06.11.2012 management sought adjournment. Which was allowed and case was adjourned to 15.01.2013 for management evidence.

On 15.01.2013 management evidence filed through affidavit. Copy of which supplied to workman. Fixed 10.04.2013 for tendering of affidavit of MW Sh. J. C. Sanghi and his cross-examination.

On 13.01.2014 parties informed to his tribunal that process of settlement is going on.

Thereafter parties sought adjournments on this court.

Ultimately process of settlement concluded and settlement between parties took place outside court and management bank on 18.11.2016 handed over cheque of Rs. 60,000/- to workman Sh. Chander Singh Rathee as full and final payment in this case. Who received aforesaid cheque and made an endorsement to this effect on the photo copy of cheque filed by management. Which is introduced on record.

Thus it emerged that the management bank agreed to pay a sum of Rs. 60,000/- to the claimant towards full and final settlement of his claim.

On payment of a sum of Rs. 60,000/- through cheque to claimant by management of SBI claim is accordingly decided.

Award is accordingly passed.

Dated : 18.11.2016

HARBANSH KUMAR SAXENA, Presiding Officer

नई दिल्ली, 26 दिसम्बर, 2016

**का.आ. 2477.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-II, दिल्ली के पंचाट (संदर्भ सं. 69/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.12.2016 को प्राप्त हुआ था।

[सं. एल-12012/146/2007-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 26th December, 2016

**S.O. 2477.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 69/2007) of the Central Government Industrial Tribunal-cum-Labour Court-II, Delhi as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 26.12.2016.

[No. L-12012/146/2007-IR (B-I)]

B. S. BISHT, Section Officer

#### ANNEXURE

**BEFORE SH. HARBANSH KUMAR SAXENA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, KARKARDOOMA COURT COMPLEX, NEW DELHI**

**ID.No. 69/2007**

Sh. Chander Singh Rathee,  
Through District Organiser  
All India Ex-servicemen Bank  
Employees Federation (regd.)  
Officer: 1330, Sector – I,  
Rohtak – 124001

...Workman

#### Versus

State Bank of India  
Through Asstt. General Manager(Ops),  
Zonal Office Haryana, Plot No. 1 & 2,  
Sector- 5, Panchkula (Haryana)

...Management

#### AWARD

On 21.11.2007 Ministry of Labour of Government of India send reference No- L-12012/146/2007-IR(B-I) to this tribunal for adjudication, “Whether the action of the management of State bank of India in fixing the pay of Sh. Chander Singh Rathee, Clerk-cum-Cashier on re-employment in the Bank by adding two increment for graduation w.e.f. 06.03.1985 is just fair and legal? If not, to what relief the workman Sh. Rathee is entitled and which date?”

Aforesaid reference was received in this tribunal on 06.12.2007, which was register as ID. No. 69 of 2007.

Notice to parties were issued fixing 31.01.2008 for filing of claim statement by workman with fifteen days from the receipt of notice complete with relevant documents list of reliance and witnesses.

On 31.01.2008 workman filed his claim/statement then 30.04.2008 was fixed for reply (WS) by my Ld. Predecessor.

On 30.04.2008 reply was filed by management and 25.07.2008 was fixed for filing of rejoinder.

On 25.07.2008 workman filed his rejoinder. Copy of which supplied to management and 02.09.2008 was fixed for filing affidavit.

On 02.09.2008 workman filed his affidavit in his evidenc and 01.01.2009 was fixed for his cross-examination.

On 14.05.2013 my predecessor Dr. R. K. Yadav framed following issues:-

1. Whether delay of 22 years in raising the dispute frustrates rights of the claimant?
2. As in terms of reference.

Fixed 14.05.2013 for evidence of parties. Claimant to conclude first.

On 14.05.2013 workman sought adjournment which was allowed and case was adjourned to 19.07.2013 by my Ld. Predecessor.

On 19.07.2013 I was on leave so 29.08.2013 was fixed for evidence of parties.

On 29.08.2013 parties informed me that process of settlement is in progress. So I fixed 03.10.2013 for the progress of settlement.

After several dates process of settlement concluded and settlement concluded and settlement between parties took place outside court and management Bank on 18.11.2016 handed over cheque of Rs. 3,00,500/- to workman Sh. Chander Singh Rathee as full and final payment in this case. Who received aforesaid cheque and made an endorsement to this effect on the photo copy of cheque filed by management. Which is introduced on record.

Thus, it emerged that the management Bank agreed to pay a sum of Rs. 3,00,500/- to the claimant towards full and final settlement of his claim for fixation of pay after adjusting the two additional increments which are otherwise given exclusively against graduation.

On payment of a sum of Rs. 3,00,500/- through cheque to claimant by management of SBI claim is accordingly decided.

Award is accordingly passed.

Dated : 18.11.2016

HARBANSH KUMAR SAXENA, Presiding Officer

नई दिल्ली, 26 दिसम्बर, 2016

**का.आ. 2478.**—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 जनवरी, 2017 को उस तारीख के रूप में नियत करती है, जिसे उक्त अधिनियम के अध्याय IV (धारा 44 व 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) तथा अध्याय V और VI [धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध असम राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

क्र.सं.	राज्य	जिलों के नाम	निर्माकित के अंतर्गत आने वाले सभी क्षेत्र
1.	असम	माजुली	माजुली शहर
2.	असम	गोवालपारा	गोवालपारा टाउन

[सं. एस-38013/45/2016-एस.एस.-I]

अजय मलिक, अवर सचिव

New Delhi, the 26th December, 2016

**S.O. 2478.**—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st January, 2017 as the date on which the provisions of Chapter-IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following Areas in the State of Assam namely :—

Sl. No.	State	Districts	All the Areas falling under
1.	Assam	Majuli	Majuli Town
2.	Assam	Goalpara	Goalpara

[No. S-38013/45/2016-S.S.-I]

AJAY MALIK, Under Secy.

नई दिल्ली, 26 दिसम्बर, 2016

**का.आ. 2479.**—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 जनवरी, 2017 को उस तारीख के रूप में नियत करती है, जिसे उक्त अधिनियम के अध्याय IV (धारा 44 व 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) तथा अध्याय V और VI [धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध असम राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

क्र.सं.	राज्य	जिलों के नाम
1.	असम	जोरहाट
2.	असम	डिब्रूगढ़

[सं. एस-38013/46/2016-एस.एस.-I]

अजय मलिक, अवर सचिव



New Delhi, the 26th December, 2016

**S.O. 2479.**—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st January, 2017 as the date on which the provisions of Chapter-IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in following Districts in the State of Assam namely :—

Sl. No.	State	Districts
1.	Assam	Jorhat
2.	Assam	Dibrugarh

[No. S-38013/46/2016-S.S.-I]

AJAY MALIK, Under Secy.

नई दिल्ली, 26 दिसम्बर, 2016

**का.आ. 2480.**—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा 1 जनवरी, 2017 को उस तारीख के रूप में नियत करती है, जिसे उक्त अधिनियम के अध्याय IV (धारा 44 व 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) तथा अध्याय V और VI [धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबन्ध पश्चिम बंगाल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“हुगली जिले (पश्चिम बंगाल) के सभी ग्राम एवं क्षेत्र” ।

[सं. एस-38013/47/2016-एस.एस.-I]

अजय मलिक, अवर सचिव

New Delhi, the 26th December, 2016

**S.O. 2480.**—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st January, 2017 as the date on which the provisions of Chapter-IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following Areas in the State of West Bengal namely :—

“All the areas of the District Hooghly, West Bengal.”

[No. S-38013/47/2016-S.S.-I]

AJAY MALIK, Under Secy.